the weekly Standard

MAY 15, 2000 • $3.95

A RIDGE TOO FAR?
FRED BARNES

Clinton in the Dock

Impeached— and Proud of It!
BY ANDREW FERGUSON

Why, If Indicted, and Despite Everything, He Should Be Pardoned
BY TOD LINDBERG

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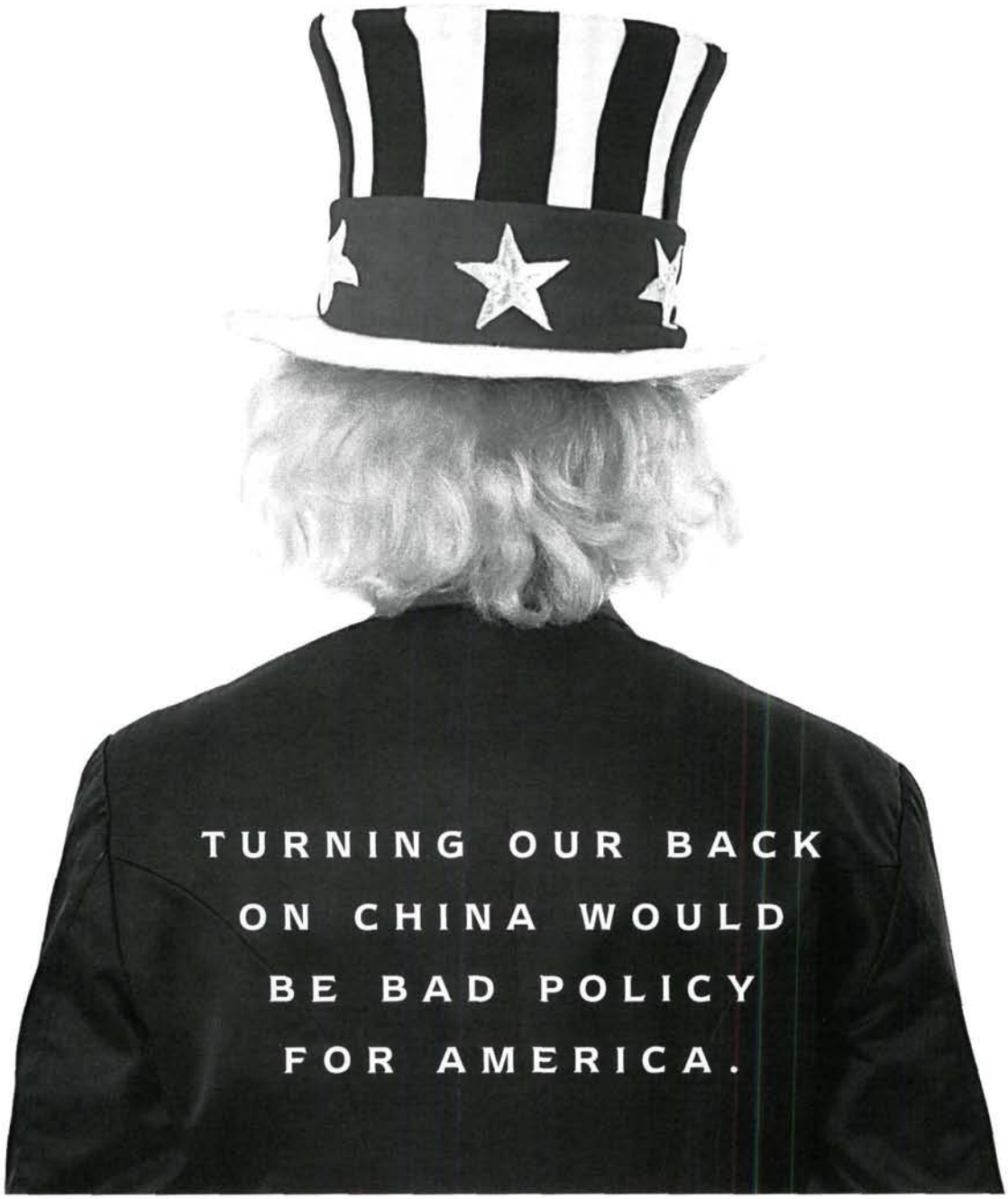

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Right now, China is effectively closed to foreign insurance firms - but that's changing rapidly. America's competitors from Europe and Japan are poised to enter this rapidly growing marketplace. If Congress turns its back on China now, American companies and American investors will be frozen out of the world's largest marketplace. That would be bad policy for America.

Tell Congress PNTR with China is good policy for all Americans.

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the weekly Standard

THE WEEKLY STANDARD (ISSN 1083-3013) is published weekly (except the second week in April, the second week in July, the last week in August, and the first week in January) by News America Incorporated, 1211 Avenue of the Americas, New York, NY 10036. Periodicals postage paid at New York, NY, and additional mailing offices. Postmaster: Send address changes to THE WEEKLY STANDARD, P.O. Box 96127, Washington, DC 20077-7767. For subscription customer service in the United States, call 1-800-274-7293. For new subscription orders, please call 1-800-283-2014. Subscribers: Please send new subscription orders to THE WEEKLY STANDARD, P.O. Box 96153, Washington, DC 20090-6153; changes of address to THE WEEKLY STANDARD, P.O. Box 96127, Washington, DC 20077-7767. Please include your latest magazine mailing label. Allow 3 to 5 weeks for arrival of first copy and address changes. Yearly subscriptions, $78.00. Canadian/foreign orders require additional postage and must be paid in full prior to commencement of service. Canadian/foreign subscribers may call 1-303-776-3605 for subscription inquiries. Visa/MasterCard payment accepted. Cover price, $3.95. Back issues, $3.95 (includes postage and handling). Send manuscripts and letters to the editor to THE WEEKLY STANDARD, 1150 17th Street, N.W., Suite 505, Washington, DC 20036-4617. Unsolicited manuscripts must be accompanied by a stamped, self-addressed envelope. THE WEEKLY STANDARD Advertising Sales Office in Washington, DC, is 1-202-293-4900. Advertising Production: Call Ian Slatter 1-202-496-3354. Copyright 2000, News America Incorporated. All rights reserved. No material in THE WEEKLY STANDARD may be reprinted without permission of the copyright owner. THE WEEKLY STANDARD is a trademark of News America Incorporated.

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Mills on the Hill

The insta-celebrity of last year's Senate impeachment trial, former White House deputy counsel Cheryl D. Mills, returned to public view May 4—for just long enough to prove that she knows only one trick.

In 1999, as THE SCRAPBOOK recalls, Mills made herself briefly famous by arguing, from the well of the Senate, on national television, that it was inappropriate to charge Bill Clinton with a civil rights violation in the Paula Jones case because he had a lifelong record of support for federal civil rights enforcement. The national media swooned at this. Ooh! Aah! Such an impressive lady! Such intelligence! Such conviction!

Such scary nonsense, really—the notion that a politician may never be accused of breaking a law he claims to endorse, merely because he claims to endorse it.

And now comes Mills with an important corollary to this "principle": Congress must never investigate possible illegality—in the White House or, presumably, anywhere else—unless the investigation promises to advance domestic policies of the sort Cheryl D. Mills endorses.

At last week's House Government Reform Committee hearing on the suppression of subpoenaed White House e-mails, Mills took the stand and immediately rebuked the committee's members, while current and former Clinton aides in attendance nodded their heads in vigorous assent. "Nothing you discover here today," the allegedly impressive lady intoned, "will feed one person, give shelter to someone who is homeless, educate one child, provide health care for one family, or offer justice to one African-American or Hispanic juvenile."

In other words: Favored Democratic social policies are the test of all government work. A man has committed murder. Should he be sent to prison? Will sending him to prison "feed one child?" The answer being no, the murderer must go free.

They don't actually believe this bilge over at the White House, THE SCRAPBOOK figures. They're just prepared to act as if they do—if that's what it takes to spare the boss an embarrassment.

And with a compliant press corps bored by Clinton scandals and eager to "move on," they'll probably get away with it. ♦

The Friends of Internet Al

The courtier press of the Clinton-Gore era is a wonder to behold. It comprises journalists more dogmatically loyal to Bill and Al than the staffers who do this sort of thing for a living.

Consider Lars Erik Nelson's defense of Al Gore last week against the charge that Gore claims to have invented the Internet. Gore has a well-known weakness for bragging, and has himself acknowledged that his choice of words in his ill-fated interview with Wolf Blitzer a year ago was unfortunate. Nelson protests, however, that the specific verbiage of Gore's boast is often misquoted. Fair enough, then: Gore never said he *invented* the Internet. He said, "During my service in the U.S. Congress, I took the initiative in creating the Internet."

But this, despite Nelson's elaborate effort to argue otherwise, is manifestly untrue, and it's the sort of overstatement that rightly opens a politician up to ridicule. The *creation* of the Internet in fact dates to the 1960s. Now, Gore *was* a prominent cheerleader in the 1980s for a particular vision of a government-financed "information superhighway"—he always has had a good eye for a trendy issue. But even that doesn't earn him the points Nelson tries to award for prescience or, in the columnist's own wording, for taking the initiative in "creating the Internet as we know it today."

Nelson reports that Gore's vision was inspired by France's "Minitel home-computer network." The columnist seems unaware this was one of the great government-sponsored techno-fiascos of the late 20th century. By installing Minitel terminals in every French home, the government there tied that nation to an instantly archaic national video-text network that in effect cut the French off from the Internet. And, in an effort to make back the capital investment, Minitel's great triumph was to bring the equivalent of a government subsidized 1-900 porno service (known as Minitel Rose) to every Jacques, Yvonne, and Pierre. Luckily, the Internet was built out with private financing too fast to be wrecked by Gore's dirigiste dreams.

Maybe next time Nelson should try praising Gore for his light touch and self-deprecating wit. ♦

Cardinal O'Connor, 1920-2000

John Cardinal O'Connor, the archbishop of New York, died last week at the age of 80, after suffering for several months from a brain tumor. The number of grieving memorials published about the man has been overwhelming, but no more than he de-

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served. Even longtime opponents like Mario Cuomo have taken the opportunity to acknowledge his wit and his charity, and those who agree with his strong public stands on issues such as abortion have been nearly inconsolable at his loss.

It is true that some conservatives' admiration for O'Connor was not unalloyed with doubts. A strong supporter of unions (his father was a gold-leaf painter and union activist who used to read aloud to his children in the evenings from Catholic labor tracts), he never had the support of Wall Street that his predecessor, Terence Cardinal Cooke, enjoyed. Though he fought against the destruction of poor neighborhoods wrought by misguided welfare measures such as Aid to Families with Dependent Children, he fought as well to convince his flock of the moral necessity for other and better kinds of government programs. His support for immigration and opposition to the death penalty left him at odds with New York police unions and other historically Catholic organizations in New York's complicated civic life.

He took these stands from conviction, however, and they won him no support from either the mainstream media or radical leftists. Indeed, on abortion and homosexuality, the issues with which Cardinal O'Connor became most identified, it was hard to tell much difference between the mainstream media and radical leftists in New York. In 1989, in as open a demonstration of anti-Catholicism as America had seen in a hundred years, homosexual activists chained themselves to pews, profaned the Host, and pelted mass-goers with condoms during services at St. Patrick's Cathedral—with the overwhelming support of the New York press. O'Connor held firm, however, as he had when he won his bitter battle against Mayor Ed Koch's edict that church organizations provide benefits to the partners of homosexual employees. It was typical of O'Connor that he and Koch became friends during the fight (they would later co-author a book), just as it was typical that he never publicized his visits to Catholic hospitals to minister to AIDS patients for use in his political battles.

There used to be thousands of Irish Catholics, in both politics and the Church, with O'Connor's combination of old-fashioned, blue-collar political liberalism and old-fashioned, blue-collar social conservatism. In fact, through the 1960s, that combination was nearly the definition of an American Irish Catholic. But by the time O'Connor came to New York in 1984, those days seemed to be gone.

Cardinal O'Connor, however, refused either to accept the apparent decline of Catholicism or to live on old glories. He fought, inside the Church and outside, for the teachings of John Paul II, for theological consistency, for the importance of his vision of care for the poor and care for the moral state of America. The depth of sorrow at his death last Wednesday night suggests he may have succeeded more than would have seemed possible in 1983, and that he was more a shaper of the future than a throwback to the past. ♦

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Casual

Ho Ho Ho Chi Minh City

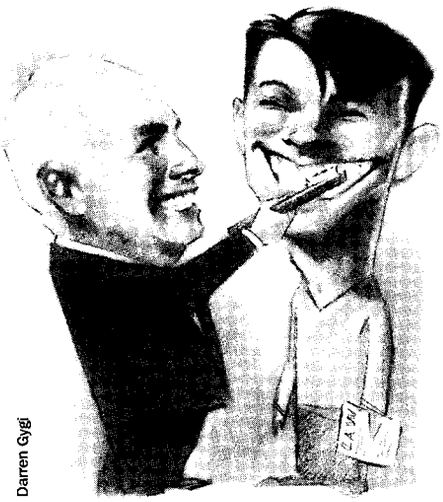
If there's one thing that Third World Marxist dictatorships seem to have in common, it's a high tolerance for reckless driving. I first discovered this in 1988 after a particularly long dinner party in then-Communist Nicaragua. A friend and I were headed back to our hotel in Managua, doing about 70 in a heavy rainstorm, when we hit a pothole the size of a bird bath. The left front tire popped like a balloon and shredded into long jagged strips. The car bounced sideways down the road. It came to a stop in front of a Sandinista police station.

I figured we were in trouble. We shouldn't have been driving. The cops had automatic weapons. I waited for the handcuffs. The police turned out to be amused. Their attitude seemed to be: Inebriated Americans in a car accident! What a riot! Back home, my friend and I would have been on the phone to a bail bondsman within about eight minutes. The Sandinistas changed the tire for us.

Nicaragua isn't Communist anymore, so there's no telling how its traffic laws have changed. Vietnam, on the other hand, remains very much a people's republic. I was there last week covering John McCain, and I'm happy to report that almost everyone in the country still drives like a total nut case. People pull into oncoming traffic without looking, blow through red lights at top speed, travel long distances in the wrong lane. It's not unusual in developing countries to see entire families packed onto a single moped. In Vietnam it's not unusual to see them attempt to pass trucks while going uphill on a two-lane bridge.

At first I assumed that the Vietnamese must be unusually skilled drivers. Then an American who lives in the country set me straight. A huge number of people die in traffic accidents in Vietnam, he said, several a day in Saigon alone. So I revised my theory: Maybe when you live in a totalitarian country, it's psychologically important to break the little laws, like the ones against driving a motorcycle with one hand on the wrong side of the road while talking on your cell phone. Or maybe you just have bigger problems to worry about.

And there *are* bigger problems. Vietnam is a pretty place with good food and friendly people, so it's easy to forget that it's also run by a Stalinist regime. Every once in a while there are reminders. One morning in Hanoi, McCain gave a short speech to members of the country's National Assembly, its mostly rubber-stamp legislative body. In America, he told the group, politicians have to listen to their constituents. For example, he said, one voter he spoke to suggested a law mandating oral hygiene. "As a father of four children," McCain joked, "I supported requiring Americans to brush their teeth every night." He grinned. The Vietnamese didn't. They looked contemplative. You could almost hear them thinking: Now *there's* an idea.



Darren Gygi

A few hours later, McCain stopped by the National Assembly building to meet with the group's chairman, the Communist equivalent of Denny Hastert. The chairman invited McCain and the reporters following him on a tour of the main chamber, a cavernous Soviet-style room with rows of wooden desks and a statue of Ho Chi Minh. He explained the protocol: who sits where, who speaks, and in what order. The lecture went on for a while, until Howard Fineman of *Newsweek* broke in. "Where does the opposition party sit?" he asked deadpan. This time the Vietnamese did erupt into titters. Nervous ones.

The Vietnamese government isn't famous for its sense of humor, though if you're in Hanoi and looking for a way to spend an amusing hour or two, I recommend a trip to Hoa Lo prison, the medieval-looking brick compound made famous during the war as the Hanoi Hilton. Much of the original prison was torn down a few years ago. The portion that remains has been turned into a museum of French atrocities. There is a guillotine on display, leg stocks, and other instruments of colonial torture and repression. There is no mention of the fact that, once the French left, the Communists continued to use the building for nearly 50 more years to torture and repress their own enemies.

Or almost no mention. In a tiny room at the back of the compound is a small exhibit dedicated to the American flyers once interned there, including John McCain. There is a volleyball net in a glass case, and other pieces of memorabilia designed to show that, on the whole, American prisoners had a pretty relaxing time at the Hanoi Hilton.

And there are pictures. One shows a group of men standing in church. "American pilots in Hoa Lo prison attending mass in the cathedral," reads the caption. If you look closely you'll notice that one of the men has an odd expression on his face. His right hand is raised, a slender middle finger draped across his chin. After a moment you recognize his expression. It's a suppressed grin.

Tucker Carlson

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Columbine, Cops, & Kids

As a veteran high-school teacher in the Los Angeles Unified School District, I find little to disagree with in David B. Kopel's article "What If We Had Taken Columbine Seriously?" (April 24/May 1). However, other solutions which might prevent more Columbines have been ignored, replaced by a singular focus on guns.

In short, it is up to adults to make sure high-school students understand that school is different. It requires more disciplined behavior than the street and a mite less reserve than church. This is what we should do:

Provide explicit instruction on the basic tenets of good behavior, citizenship, and character; require school uniforms or very strict dress codes; prohibit profanity and inappropriate demonstrations of affection; give teachers more power to move problem or disinterested students to alternative sites permanently; and provide all students a rigorous physical education class that will work out some of that adolescent angst.

Teachers should dress better, too. As a profession, we need behavior and ethics codes. It is often wrongly assumed that adults know how to behave around children.

When I graduated high school in 1969 (a watershed year in many respects), students were more likely to be upset with adults than their classmates. Adults made the rules and sometimes we chafed at them.

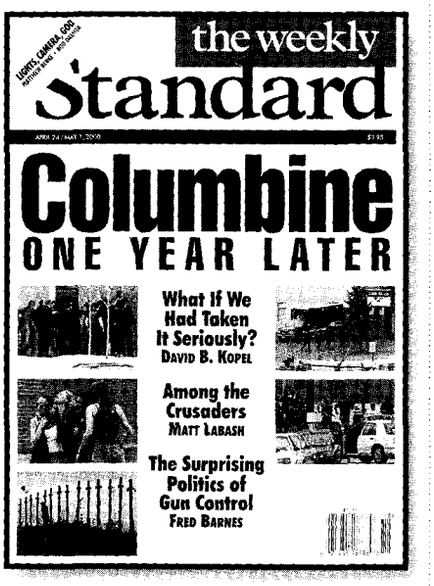
In the year 2000, we have abrogated the responsibility to teach our students to be good people. School is no longer a special place; it's just another place. We allow (indeed, encourage) teens to separate themselves by race, possessions, dress, and tastes. We couldn't manufacture a more inviting environment for kids to hate each other if we tried. And if you don't believe me, have your teenager read this letter.

Dan Hart
La Crescenta, CA

The first time I saw video of the events at Columbine, I was struck by, and amazed at, the cowardice of the police. They treated fleeing students like prisoners, maximizing the danger to the students by insisting that they place their hands behind their heads before running out into the open, creating a potential shooting gallery with human targets and delaying the students' escape. We must all be grateful that the other cowards, the two student gunmen, didn't see this opportunity for target practice.

I expressed my contempt to others at the time, but few saw my concern. The police should have minimized this tragedy. Instead they exacerbated the danger and very likely maximized the death toll.

Thank you for having the guts to focus on this issue. We can only hope that other police agencies around the nation have studied the performance of their brother officers in Littleton and learned what doesn't work.



S. L. Chambers
Houston, TX

I certainly agree the national debate following Columbine has been at best misguided and at worst motivated by political self-interest. But while David B. Kopel provided a nice outline of the either/or dialogue he feels should have taken place, he ignored a larger and far more important point.

The article concludes with the assertion that if other killers are out there, "your children and mine are just as much at risk as they were the day before Columbine." According to a National Public Radio commentary on April 21, the risk that a child will be killed while attending school is about 1 in 2,000,000. Yet the number of children who are homicide victims equals "a Columbine every two days."

By advancing the opinion that prevention of school shootings should have served as the basis for a meaningful national debate on gun policy, Mr. Kopel's article adds to the misconception that school is unsafe. According to the NPR report, school remains the safest place a child can be, far safer than the streets, the workplace, or, unfortunately, the home.

We need the type of debate Kopel calls for, but let's put Columbine and other school shootings in their proper perspective as isolated, tragic events. The greatest risk to children is presented by the community itself, not the schools. Any argument that uses Columbine as the basis for sweeping change in national gun policy is completely without merit, and probably as self-serving as those criticized by the author.

Tim Holman
Iowa City, IA

The same "officer safety" mentality David B. Kopel cites as the reason for the magnitude of the Columbine shooting was responsible for Amadou Diallo's grotesque death in New York city—a death that has routinely been described as unfortunate but unavoidable in conservative publications.

Rob Dakin
Athens, OH

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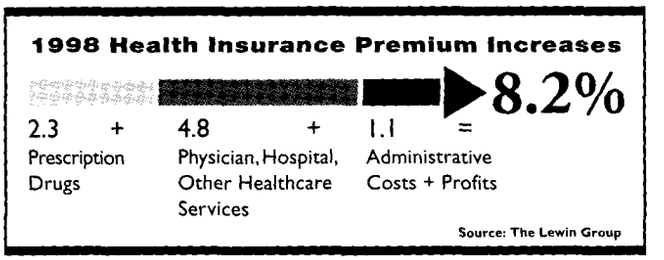
PREMIUM INCREASES: THE FACTS, NOT THE MYTH

by Alan F. Holmer, President and CEO
Pharmaceutical Research and Manufacturers of America

In the headlines, on the talk shows, around kitchen tables and board rooms across the country, people are complaining about rising health insurance premiums. What's behind these premium increases? Although it may be tempting to round up the usual suspects and blame increased prescription drugs costs for the premium rises, the facts tell a different story.

According to the latest data on national health spending, total private health insurance premiums increased 8.2 percent in 1998. An analysis of these data shows that about 60 percent of this increase was due to increased spending on hospitals, physicians and other health care services, and only about a quarter of the increase reflected increased spending on prescription drugs. But although there are loud complaints about increased drug spending, you rarely hear anyone blaming premium increases on the fact that people are seeing their doctors more often.



A lot of other factors are driving premium increases. There's a strong labor market. That means that, in order to attract and keep top talent, employers are offering richer benefit packages. In addition, insurers are competing to meet growing consumer demand for less restrictive health plans and greater access to specialists and advanced medical technology – all of which add to health premium costs. There's also our aging population. Older patients go to the doctor more often, are hospitalized more often, have more chronic diseases and need more costly and intensive health care services than the younger population.

Increased spending on prescription drugs means that more people, under their doctor's supervision, are taking more and better medicines – and that's a good thing. It means that patients are benefiting from innovative and cost-effective new treatments. Last year alone, 40 new medicines were added to the nation's medicine cabinet. These include advances in the treatment of AIDS, heart disease, diabetes, osteoarthritis, Parkinson's and many other diseases. These and other medicines save lives and improve the quality of life for patients. In many cases, they also keep people out of hospitals and nursing homes, helping them avoid surgery.

Examples of such cost-effectiveness tradeoffs abound. In a year-long disease management program run by Humana Hospitals for about 1,100 patients with congestive heart failure, drug costs increased by 60 percent, while hospital costs declined by 78 percent. The net savings were $9.3 million. And the human savings were even greater: the patients' ability to perform the activities of daily living – a good indicator of quality of life – went up 15 percent, while the death rate fell 15 percent.

Employers, who pay a large share of health insurance premiums, can also realize savings from increased use of newer and better medicines. A recent study showed that a new drug for migraine headaches saved $435 per month per treated employee due to a reduction in absenteeism and lost productivity costs, while the monthly cost of the drug per patient was only $44.00. Depression also places a huge economic burden on employers. But, according to a study published in the journal *Health Economics*, medical costs declined by $822 per employee per year and absenteeism dropped by nine days when workers with depression were treated with prescription medicines.

Health care is changing. Prescription drugs, which once played only a minor role, are now the preferred treatment for a wide range of conditions. This means more people are staying on the job and taking care of their families. And even though prescription medicines are playing a bigger role in health care, they still account for only a small percentage of total health care costs – just over eight percent in 1998. Health plans clearly realize that prescription drugs can be cost-effective and that their members would much rather take a pill than undergo surgery. Not surprisingly, they are turning increasingly to these treatments.

So, next time you hear the myth that prescription drugs are the major cause of escalating insurance premiums, don't believe it. Cost-effective medicines deliver one of the biggest values in health care.

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the weekly Standard

A Hearings Problem

When INS agents broke into Lázaro González's house at 5 A.M. on April 22 to arrest his 6-year-old nephew Elián González, civil libertarians—and those skeptical about giving a refugee child the bum's rush back to Fidel Castro's Cuba—had a lot of questions. Tom DeLay promised Republicans would answer them. "You bet there will be congressional hearings," DeLay said hours after the raid.

Hearings were always a second-best option for Congress. Best would have been to vote citizenship for Elián González, or at least residency. That would have taken him out of the jurisdiction of the Immigration and Naturalization Service. The INS—in a shocking and irregular reversal of its earlier position—had signaled at least since December that it was disinclined to ask why Juan Miguel González didn't appear to reclaim his son for weeks and then months, why he called those "distant" Miami relatives even before he knew Elián was in trouble, and whether he even *wanted* his son back in Cuba. But House and Senate Republicans were frightened away by Democratic filibuster threats. So, having failed to rein in the INS when it mattered, Republicans were offering only to hold it accountable after the horse had left the barn.

We wish! When presidential spokesman Joe Lockhart complained recently that "Republicans would rather investigate than legislate," he was giving them too much credit. They're not interested in investigating, either. Utah senator Orrin Hatch called a Judiciary Committee hearing for Wednesday, May 3, then postponed it indefinitely when Justice stalled over delivering him a few documents. Such knuckling under has turned the disgrace of the Elián raid into a bipartisan one.

What's more, the New York *Daily News* reported on April 29 that Joe Allbaugh, George W. Bush's campaign manager, passed a message to the Senate not to hold hearings, on the grounds that the Elián issue was a loser. If the story is true (and since it was co-bylined by the reliable veteran Tom DeFrank, we assume it is), then Bush has shown himself less willing than Al Gore to suffer politically for upholding Elián's right to have someone take a close look at the authoritarian hellhole his mother died trying to remove him from.

Besides, holding the government accountable for its brutal treatment of Elián González may not be a loser. When asked to "think specifically about the methods the Justice Department used" to get Elián, Americans *disapprove* of them, 53-43. In addition, 43 percent of Americans support hearings (54 percent are against). This is an extraordinarily high number, given that traditional American hostility to such spectacles has been further heightened by a post-impeachment malaise.

Senator Hatch now says that there will be no hearings at all if the Justice Department documents adequately explain the circumstances of the raid. But the important questions can't be answered by Justice alone. They include:

Were there secret negotiations with Cuba that led the INS to reverse its position on granting Elián asylum in the immediate aftermath of Fidel Castro's implicit early-December threat to unleash a boatlift?

Why did Juan Miguel González's "lawyer" Gregory Craig, who negotiated the terms of Juan Miguel's visit to the United States with Cuban government officials, get a de facto veto on Janet Reno's side of the negotiations on the eve of the raid? Who hired Gregory Craig? The United Methodist Church is legally paying his expenses, but are the Methodists serving as a "straw" for business interests keen to open up trade with Cuba?

What *are* the terms of Juan Miguel's stay here? What on earth is going on out at Wye Plantation? Why have two dozen different Cuban "diplomats"—at least two daily—been allowed to visit Elián when his Miami family and U.S. senators are not? Are any of these "diplomats" the same ones being investigated as spies by the Senate Foreign Relations committee? Are any of them the same ones who emerged from the Cuban Interests Section on the afternoon of April 18, beat up a few protesters, then fled back into diplomatic immunity?

And why does the Justice Department flee accountability for turning Wye into a guarded outpost of Cuban tyranny? Carole Florman, the hardest-line of Janet Reno's spokesmen, says: "It's not really our place to say who can come and see him and who may not." Oh, it isn't? Then maybe hearings could tell us whose place it is.

But now even Tom DeLay is hedging. He says, "We've got to wait and see what we can get." Maine's Republican Olympia Snowe is unambiguous: "It would look like a lot of political grandstanding." She and her craven colleagues are wrong. It's not grandstanding. Grandstanding is what you call it when a party loses the courage of its convictions, and decides it is unwilling to risk a drop of its political capital to do what it knows to be right.

—Christopher Caldwell, for the Editors

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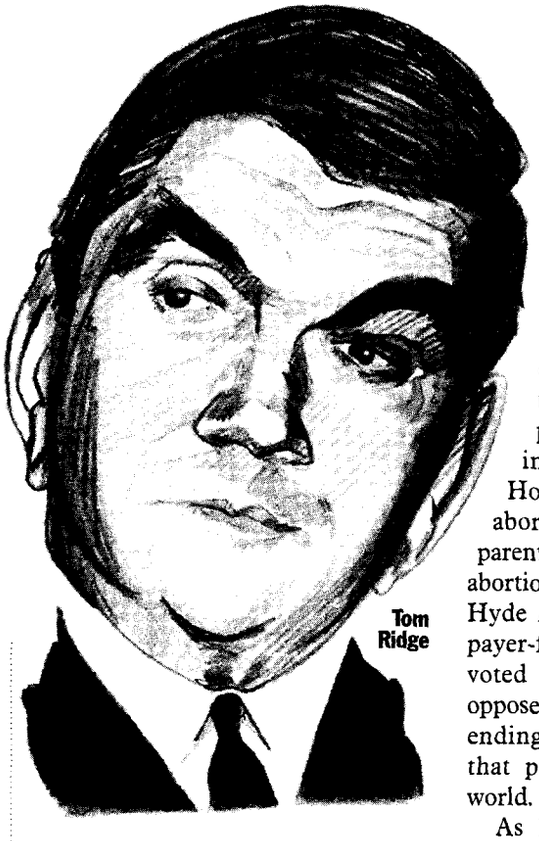
A Ridge Too Far?

Will Bush select the pro-choice Pennsylvania governor as his running mate? BY FRED BARNES


Tom Ridge

THE LOGIC BEHIND Pennsylvania governor Tom Ridge as George W. Bush's vice presidential running mate is almost impeccable. Ridge would make Bush odds-on to win Pennsylvania, a marginally Democratic state in presidential races and one Al Gore desperately needs to offset Bush's strength in the South, plains, and Rockies. Ridge is Catholic, and Catholics are the single most sought after group by the Bush campaign. Ridge is experienced, both as a House member and a governor. Like Bush, he has a moderate-to-conservative record on hot button Republican issues such as taxes and school choice. He's a Vietnam vet and slightly disabled. And Bush likes him, which is an important factor, and so do many other GOP leaders, including a cluster of Bush advisers. Ridge's value to Bush, says a Republican strategist, has become "pretty apparent, pretty widely."

There's just one problem: abortion. While Ridge doesn't favor abortion on demand, he *is* pro-choice in a party that's at least nominally pro-life. But the problem goes beyond the anger that Bush might kindle among ardently pro-life Republicans if he picked Ridge. As a Catholic, Ridge has for two years been barred by his hometown bishop in Erie, Donald Trautman, from speaking or even appearing at any Catholic event. He is allowed to attend mass, but that's it. Thus, there's a double problem with Ridge. Pro-lifers oppose him, and so do a number of Catholic Republicans who are close to Bush. They believe that putting a pro-choice Catholic on the ticket, particularly one who's feuding with his bishop, would drive away the conservative Catholic voters that Bush is eager to attract.

There's a counter-theory, however, that says picking Ridge would be Bush's version of Bill Clinton's attack on Sister Souljah in 1992, which demonstrated Clinton's willingness to stand up to Jesse Jackson and the Democratic party's left. It positioned Clinton in the political center, exactly where he wanted to be, and made him more acceptable to moderates and even conservatives. In Bush's case, tapping Ridge would show he has the moxie to confront the GOP's pro-life wing. It would tilt him toward the center, win praise from the media, and lure moderates and liberals. What gives this theory credence is that Bush is already emulating some of Clinton's 1992 strategy. He emphasizes the other party's issues, while holding his own party's base. He's distanced himself from his party's congressional wing. He's stayed calm in the face of relentless attacks.

Republican leaders who favor Ridge make a different case: Ridge is not all that pro-choice and wouldn't touch off pro-life protests. "Every exception to abortion you can name, he's for," says a prominent GOP backer of Ridge. Ridge opposes partial-birth abortion. He favors parental consent if a minor wants an abortion. He's against taxpayer-funded abortion. However, the claim Ridge is only mildly pro-choice is undercut by his inconsistent record in the House. He voted against forcing abortion providers to notify the parents of minors who had sought an abortion. He once voted to repeal the Hyde Amendment, which bars taxpayer-financed abortions, but later voted for it. He supported, then opposed, the "Mexico City policy" of ending foreign aid to organizations that promote abortion around the world.

As luck would have it, there's already been a trial run of whether Ridge's pro-choice views would rile a significant number of Republicans. Last month, a Reuters reporter from Washington, Alan Elsner, interviewed Ridge and quoted him as saying he wishes the antiabortion plank in the GOP platform would be dropped or modified to include "at least a recognition that the decent God-fearing people don't always have the same view on this." The abortion plank as written since 1980 hurts the party, Ridge indicated. This, of course, clashes with Bush's position that the platform shouldn't be tinkered with. In fact, Ridge was first alerted that the Reuters story led with the abortion issue by an official of the Bush presidential campaign.

The public reaction to Ridge's comments was muted, though Republican David Dreier, chairman of the House Rules Committee and a Ridge backer, told Fox News Channel the remarks were not helpful. But the private reaction was highly negative. Deal Hudson, the editor of *Crisis*, a conservative Catholic magazine, said Ridge had "seriously damaged his status [at Bush headquarters] in Austin." Hudson is a close ally of Bush strategist Karl Rove and put together a Catholic advisory group for the cam-

Illustration by Thomas Fluharty

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paign. Hudson told me: "To select a Catholic running mate who is under sanction by his bishop would be an insult to Catholic voters." Hudson said Bush has "already taken risks" with his pro-life supporters by refusing to rule out a pro-choice vice president. Picking Ridge now, he said, would jeopardize Bush's support among both Catholics and pro-lifers, including Hudson himself.

Would it really? Some in the Bush campaign think pro-lifers have no place else to go. Patrick Buchanan, the likely Reform party candidate and a strong abortion foe, "has no legs," says a Bush adviser. Besides, the adviser says, pro-lifers have grown up and realize there are bigger things at stake in the election than the vice presidential candidate's position on abortion. What matters is winning the presidency and Congress and making sure conservative judges are nominated. "Most pro-lifers have focused on the doughnut, not the hole," the adviser says. And they may be assuaged by Ridge's insistence that he doesn't want a platform fight, since that would help Gore. Ridge also says he would acknowledge Bush's position on abortion takes precedence over his.

Perhaps some pro-lifers will be mollified, but picking Ridge would hardly be risk-free. As it now stands, Bush's decision on Ridge looms as one of his most important of the campaign. Ridge is bound to be near the top of Bush's veep list, if only because others have taken their names off. Former defense secretary Richard Cheney says he's promised the board at Haliburton, the oil services company he heads, that he won't leave any time soon. Colin Powell and senators John McCain and Connie Mack are adamant about not wanting the job. Ridge is clearly available, and should Bush pass him over, the press will jump on him for wimping out. But if he opts for Ridge, "the whole three months [after the Republican convention] will be about abortion, and that's not on message," says GOP senator Rick Santorum of Pennsylvania. As everyone knows, Bush is downright obsessive about staying on message. ♦

Jackasses Release Bray

The *Detroit News* editorial page loses its leader.

BY CLAUDIA WINKLER

MARK SILVERMAN, publisher and editor of the *Detroit News*, is clearly annoyed at being pestered by the press. When I ask to speak with him, his secretary informs me that the photograph of him our art department has requested will be supplied only if her boss can clear our story first. I assure her we don't need the picture that much and ask again to speak with Silverman—who, as soon as she puts him on, starts berating me. But Silverman deserves to be pestered by his journalistic colleagues, because it looks like he's dismantling one of the finest editorial pages in America: The *News*'s widely respected editorial page editor, Thomas Bray, has just been ousted. When Silverman has calmed down a little, he reiterates what he has affirmed in print: His paper's editorial philosophy will not change. Bray's "reassignment" has no bearing on the paper's commitment to its conservative tradition. And for proof, he says, "I would invite you to take a look at our editorial page in six months."

It's a good idea—the proof, indeed, is in the pudding. Until the pudding is steamed, however, here are a few good reasons to be skeptical:

¶ *Silverman's fishy handling of Bray's "reassignment."* In the days following the sudden announcement that Bray would be stepping down and henceforth writing two columns a week from home, the publisher maintained the move was Bray's idea. He asserted this in the *News*'s business section on April 28, in a letter in the *Wall Street Journal* the same day, and two days later in his own Sunday column. Repeatedly, he called those who insisted Bray had been fired (including Bray's former colleagues on the *Wall Street Journal* editorial page) practitioners of irresponsible journalism relying on anonymous sources and "preconceived notions." Yet side by side with Silverman's column on April 30 ran one by Bray, a gracious thank-you-and-farewell whose final paragraph contained the statement: "I did not seek such a change." Asked about the contradiction between the two versions of events, Silverman declines to discuss an "internal personnel issue."

¶ *The choice of a newsman to succeed Bray.* In selecting a new editorial page editor, Silverman turned not to an experienced commentator plausibly capable of sustaining the intellectual reputation Bray had built for his page over nearly 17 years, but to a deputy managing editor, Nolan Finley, whose entire career has been on the news side of the *Detroit News*, who hasn't written in years, and who had responsibility for a part of newspapering from which editorial pages are normally kept as insulated as possible: promotion and marketing.

Bray's page was respected across Michigan, and in conservative circles nationally, for its intelligence, clarity, and fairness. It was the product of a team he had assembled, dedicated to a style of political commentary that was both principled and down to earth. Republican governor John Engler calls Bray's influence "profound," adding, "We could not have advanced welfare reform and tax reform and government reductions without Tom's leadership and the voice of the *Detroit News*." What was unusual, Engler says, was the depth of insight into public issues that the *News*'s editorials

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reflected. "The way Tom organized and assigned his team often led to greater understanding of issues and alternatives on the editorial page than could be gleaned from the news pages. They *got* it."

But Bray's page earned respect from Democrats, too. The senior member of the House of Representatives, John Dingell of the 16th District of Michigan, is speaking also for his wife, who is president of the General Motors Foundation, when he says, "Although Deborah and I more often than not disagreed with the content of Tom's editorial page, we always felt that he brought good and useful discussion to the table of political affairs. We respect and like Tom and wish him the best of luck." Even a left-wing columnist in Detroit's alternative *Metro Times* has leapt to Bray's defense, quoting "one insider" as likening the changing of the guard at the *News* to "replacing Alan Greenspan with George Wallace."

It may be, of course, that the *News*'s editorial page will flourish under Finley, but for now his presence there looks like an accident. When he was passed over in March for a promotion to managing editor—that plum went instead to a younger man who had previously worked under him, a "young African American," as the *News*'s story made a point of mentioning—Finley started looking for a job elsewhere. The editorial page position, says a colleague, was his "booby prize."

¶ *Silverman's philosophical and stylistic differences with Bray.* As publisher and editor, of course, Silverman enjoys the prerogative of steering his paper's editorial policy to his liking. But he doesn't have an entirely free hand. The *News* is the conservative paper in a two-newspaper town, where the competition, the *Detroit Free Press*, is liberal. Under these circumstances, for the *News* to take a marked turn to the left or even to the center would be circulation suicide.

Nevertheless, with a neophyte now leading the editorial page, Silverman can be expected to assert his influence, to effect what his April 30 column called "a subtle evolution of some positions." It's hard to see how he could fail to bring change, given his marked differences with Bray. Some of these can be inferred from scattered clues—a disparaging reference, for example, in a column to "so-called free-market issues in the health care industry." But other disagreements loom large. Take the subject of "diversity."

Mark Silverman is a successful executive in the Gannett newspaper chain, a company that loudly champions the systematic recruitment and promotion of minorities and women.

"Silverman seems to want the Detroit News *to maintain its conservative editorial tradition, yet inoculate readers with an op-ed page of syndicated liberal opinion, as if to declare that all opinions are equally valid."*

(The "Company History" on Gannett's website redundantly begins: "Gannett Co., Inc. is the most diverse news, information and communications company in the USA. A company rich in its diversity . . .") For five years starting in 1991, Silverman spearheaded News 2000, a company-wide effort to improve the Gannett newspapers that involved regularly scoring their performance on ten criteria. One of these was whether each paper "requires diversity." Papers were expected, among other things, to quote more non-whites and women in their newscolumns.

Silverman has gone out of his way to associate himself personally with such policies. In a signed column in the *Detroit News* on July 28, 1999, he called the prevalence of white males in newsrooms "morally wrong" and attacked as "extreme right-wing rantings" a column his own paper had published by the syndicated writer John Leo warning that identity politics in newsrooms leads to "groupthink." Silverman pledged the *News* to the "aggressive pursuit of diversity in staffing and coverage." And in the Gannett environment, he has prospered. He just received his third "President's Ring" for outstanding performance and is one of three finalists for Gannett "Editor of the Year." Under his direction, the *Detroit News* has been cited by Gannett for "Best Overall News Performance" two years in a row.

Perhaps, despite the views he has expressed, Silverman will allow his editorial page to continue to dissect and deplore identity politics, as it did under Bray. We'll wait for the pudding.

¶ *The changes Silverman has made to date.* Some evidence, however, is already in. Since Silverman arrived at the *News* in 1997, the opinion pages have devoted more space to liberal opinion. And early last year, Silverman instituted an unusual practice of ending editorials with a one-sentence summary—followed by a one-sentence statement of the contrary position, as if to vitiate the impact of the paper's own opinion. Thus, a recent editorial on the 6th Circuit's striking down of Ohio's state motto, "With God, all things are possible," ended:

> OUR VIEW
> The law does not require the U.S. Court of Appeals to strike down Ohio's state motto, which refers to God.
>
> OPPOSING VIEW
> The First Amendment forbids any governmental references to God.

In recent days, this gimmick has not appeared.

Finally, some of that "subtle evolution" in particular positions has occurred in the Silverman years—not too subtle, though, for readers to notice. After the *News* retreated from

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its longstanding libertarian position on guns ("The burden of proof should always remain on those who want to restrict firearms, not on those who happen to think, as we do, that the Founding Fathers knew what they were talking about," July 4, 1998; "Given the destructive role of guns in our society, individuals should bear at least some of the burden of proving a need for concealed weapon permits," May 23, 1999), several readers were indignant. Wrote one Brett Cashman:

> How does the May 23 editorial . . . fit in with the previous views of *The News*? I've read in the newspaper that rights pre-exist the Constitution, not that they are created by it. If this is a right, let us exercise it. . . . This piece is illogical by *The News*'s own standards. If *The News* is not going to write a coherent argument on gun rights, just let the *Free Press* editorialize. It has never pretended to be motivated by logic or reason.

The dustup last summer over the John Leo column produced a similar reaction from numerous readers. Wrote William J. Olasz:

> If I wanted reverse racism and discrimination against white males, I would read the *Free Press*. Do I have to stop reading *The News* also?

Joseph Pujol, to quote just one more letter, expanded on the point:

> Silverman seems to want the *Detroit News* to maintain its conservative editorial tradition, yet inoculate readers with an op-ed page of syndicated liberal opinion, as if to declare that all opinions are equally valid. This kind of newspaper management causes individual papers to lose their unique identities and voices—which has certainly been the case with *The News* since it was gobbled up by Gannett. If readers wanted a good dose of liberal opinion, they would subscribe to the *Free Press*.

Then again, maybe these readers and Tom Bray's admirers are alarmist. Maybe the great days of the *Detroit News*'s editorial page are not behind it, and an honorable man who used his talent to the benefit of his community has not been done an injustice. We shall see. ♦

Yes, Tax the 'Net

Don't subsidize e-commerce; instead, reform sales taxes. BY MICHAEL S. GREVE

THE NATIONAL CONFERENCE of State Legislatures carted its members to Capitol Hill last month to protest the failure of the Internet tax commission to recommend a vast expansion of state and local tax authority over Internet sales. The commission, known formally as the Advisory Commission on Electronic Commerce, has proved a deep disappointment to the NCSL, the National Governors' Association, and other taxpayer-funded government lobbies, which insist that untaxed e-commerce will wreak havoc on state and local budgets unless Congress provides them with the authority to tax such sales.

This being an election year, Congress is unlikely to act on e-commerce taxes (except, perhaps, to extend an existing moratorium on certain new Internet taxes). But the issue will regain prominence soon after the elections. Moreover, the Internet tax debate is a trial run for a larger fight over a fundamental political divide: Does the New Economy demand a more decentralized and competitive politics or rather the opposite—more government meddling, more centralization in Washington? Cheerleaders for the New Economy, who are certain the answer is less meddling, cannot simply rely on self-propelled economic forces to mow down recalcitrant bureaucracies. To prevail in this fight, they will need to make a principled case for competitive political institutions. The Internet tax debate suggests that they have a ways to go.

We are having that debate because the 45 states and some 7,500 local jurisdictions that tax retail sales want a piece of Amazon.com. While sales taxes are based on the purchaser's residence, they are collected by the seller and then remitted to the appropriate state or local government. If a New York citizen purchases a washing machine in New Jersey, the Empire State will want the seller to collect a sales tax. There will be a problem for New York, though, if the seller is not a chain with stores in both states. The Supreme Court has ruled that retailers can be pressed into this tax collection role only if they have a "nexus"—that is, a physical presence—in the taxing jurisdiction. Since Internet stores typically lack such a nexus, a book you purchase from a local retailer is subject to the applicable state and local sales tax, whereas the same purchase from Amazon.com is effectively exempt.

The rapid growth of e-commerce prompted aggressive state efforts to extend tax-collection obligations to Internet retailers. Congress responded in 1998 with the Internet Tax Freedom Act, which imposed a three-year moratorium on new taxes that treat Internet sales differently from comparable sales through other channels (such as mail-order catalogues). This measure also set up the Internet tax commission, composed of business and consumer representatives and of members of the federal, state, and local governments, to study Internet tax matters and submit recommendations to Congress.

As it turned out, the sales tax issue proved too contentious for the commissioners to reach the two-thirds majority needed for formal findings and recommendations. Virginia governor James S. Gilmore, chairman of the commission, instead recorded simple majority votes for informal policy proposals, including a five-year extension of the existing tax moratori-

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um. This decision, and the anti-tax tenor of the commission's report, have induced apoplexy among state and local government representatives, who denounced the commission's work as "flawed," "deceitful," and "reprehensible."

The shrillness reflects the frustration of the pro-tax lobby after having come within an inch of victory. The five state and local government officials on the Internet tax commission, led by Utah governor Michael O. Leavitt, viewed the body as a junior league Congress with a legislative agenda: Cut a deal with the six business representatives to extend tax collection authority to Internet sellers; get the three federal representatives on board; paint the anti-tax commissioners as libertarian lunatics; and get the real Congress to sign off on the deal.

None of the corporate representatives on the commission was truly opposed to extending sales tax collection obligations to Internet commerce. Some favored it: Gateway chairman Theodore W. Waitt would probably have voted for any plan that put his business, which includes retail stores, on a sales-tax par with Dell Computer (whose sales, exclusively on the Internet, currently go untaxed). At any rate, the CEOs—executives of AT&T, America Online, Charles Schwab, MCI WorldCom, and Time Warner, besides Gateway's Waitt—had bigger and very particular fish to fry, such as a permanent ban on Internet access charges (America Online) and a repeal of federal telecommunications taxes (AT&T, MCI). (As with the sales tax moratorium, the commission eventually proposed but did not formally recommend these steps.)

The business representatives did, however, insist on simplifying the existing sales tax system, which forces sellers to comply with tax collection obligations in hundreds of jurisdictions and thus burdens business with extravagant compliance costs. The government caucus could provide no reliable assurance that such simplification would be forthcoming. Frantic closed-door meetings between the Leavitt forces and the business representatives at the commission's final meeting failed to produce a deal, as did a subsequent telephone conference. In the end, the business reps joined the Gilmore faction to propose an extended moratorium for Internet retailers.

Jim Gilmore

Gilmore and his anti-tax allies on and off the commission deserve great credit for staving off the governors' tax grab. They never quite managed, however, to make a principled case for their position. Instead, they relied on "No Internet Tax" slogans and problematic arguments that may yet endanger their momentary victory.

Leavitt's pro-tax forces have been relentless in criticizing the "unfairness" of the existing sales-tax regime, which subjects ordinary retail sales to taxation while exempting identical sales over the Internet. "Main Street" retailers have predictably joined this chorus. (They are organized in the eFairness Coalition and led by such well-known big-box stores as Wal-Mart and Circuit City.) Their position has been seconded by tax economists, whose models ordain that efficient taxes should be simple and neutral.

The Leavitt faction's dogmatic insistence on "neutrality" is a thin disguise for politicians' unbridled appetites. "Neutrality" in practice always means more tax authority over new sources of revenue, never less over existing ones. Chicago economist and Nobel laureate Gary Becker has persuasively criticized his colleagues' obsession with "neutral" and "efficient" taxation as excessively static. A tax haven in cyberspace leaves more money in private hands (a good thing in itself) and, moreover, may increase political pressure to reduce taxes in competing sectors of the economy.

Those valuable political dynamics, however, will likely prove short-lived if the Internet sales tax "exemption" looks like a special-interest favor. Unfortunately, the anti-tax forces have done little to counter that perception. They have tended to paint e-commerce as an infant industry in need of a break—and a particularly deserving industry, since it's so cool

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and with-it. Gilmore has compared Internet sales tax freedom to such policies as taxpayer-funded stadiums to attract professional sports teams, subsidized shopping malls, and the tax exemptions that states and municipalities shower on favored industries. Such arguments make the commission's proposal to extend the sales tax moratorium sound less like enlightened policy than like another special-interest boondoggle—an ethanol subsidy for the information highway.

The Internet tax commission did hear testimony on more compelling sales tax regimes. A particularly attractive option is to collect taxes on interstate sales not, as now, on the basis of the buyer's place of residence but in the *seller's* principal place of business. Amazon.com's sales would then be taxed in the state of Washington, no matter where any particular book has been purchased and shipped.

Such an origin-based sales tax regime would obviate concerns over neutrality and fairness: All sales could be taxed at the same rate by a state or locality and would be so taxed, unless a given jurisdiction decided otherwise. Business concerns over compliance costs and legal uncertainty would vanish, since no seller would have tax collection obligations except in his home state. Most important, an origin-based sales tax system would foster state competition by re-connecting taxation with representation—or, as economists might say, by aligning the economic incidence of taxation with its *political* incidence. The existing system permits states to export sales tax collection obligations to sellers beyond their borders, providing only that the sellers have a nexus. (Tellingly, virtually all states *exempt* their own industries.) Under an origin-based system, Governor Leavitt of Utah could impose tax collection obligations for sales through the Internet or any other channel—but only on interstate sales by Utah firms. And of course there would be the healthy risk that over-taxed businesses might flee one state for a more accommodating jurisdiction. Exit rights and tax competition would over time accomplish what voting, all too often, does not—discipline in state taxing and spending.

An origin-based regime was suggested to the commission by independent tax experts and by the Heritage Foundation and the Cato Institute. Fred L. Smith of the Competitive Enterprise Institute argued with characteristic verve that "No taxation without representation" should be the fundamental principle of any sales tax regime. These suggestions went unheeded: Beleaguered and time-pressed as they were, Gilmore and his allies could not be expected to push some comprehensive reform on a complicated issue that no one had quite thought through. But this observation only reinforces the urgency of giving strategic thought to the Internet tax debate and to the broader issues behind it.

Even before the Internet tax commission's report went to the printer, House minority leader Richard A. Gephardt, in a speech to high-tech executives, cheerfully endorsed the expected proposal for an extended moratorium—and then some: No Internet access or transmission taxes. No international tariffs. Phase-out of federal telecommunications taxes. Permanent extension of research and development tax credits. Full deductions for employer-paid education benefits. More visas for skilled foreign workers. Tax credits for investments in broadband technology for rural and low-income areas. And on and on.

While some of these ideas make sense (and others don't), two things are obvious. First, Republicans, some of whom suffer from a residual sense of shame about government favoritism, cannot outbid Democrats at the high-tech subsidy game. Second, Dick Gephardt has not suddenly become an

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anti-tax crusader. His proposals are of a piece with Al Gore's ludicrous claim to have invented the Internet: Both suggest the contours of a political strategy that would subject the New Economy, along with the old, to political sufferance and control. The Net according to Gore-Gephardt is already the child of a clever industrial policy—incubated by an obscure defense agency and then nurtured by hip politicians with an understanding of Silicon Valley's needs and sensibilities. Along the way, according to this view, political sages have reined in private thugs who contrive to mess with their creation, as when Microsoft impeded technological innovation. "The federal government," Gephardt instructed the high-tech execs, "has a critical role to play in developing public policy to do everything possible to keep this engine running strong."

Between this perspective and the pro-tax governors' agenda, there isn't actually much difference: Gephardt will cash his Internet IOUs for campaign contributions now and for policy concessions not much further down the road. Already, there is talk of using public funds to help remedy a "digital divide" that is said to separate the poor and especially blacks from the New Economy. Already, politicians are demanding "voluntary" industry concessions on Internet indecency ("It's for the children") and privacy issues. Not missing a beat, Gephardt has fawned over the Internet entrepreneurs' "social conscience"—which, should it falter, will no doubt be helped along by responsible politicians.

Too much can be made of these political threats. Too many businesses and citizens have too much at stake to let the Internet become another nuclear industry (which, having been coddled by politicians, could be killed by politicians). A bigger mistake, however, would be to underestimate those threats. The widely, and rightly heralded advantages of an information economy—speed, consumer choice, the leaping of political boundaries on a global scale, disintermediation (the disappearance of easily taxed and regulated middlemen)—also greatly increase demands for centralized government intervention, both by government itself and by organized interests with a stake in the status quo or in uniformity regulation.

To track and tax interstate sales in cyberspace, Michael Leavitt and 31 of his fellow governors have seriously proposed the central collection and processing of computerized customer data on all such sales by a "Trusted Third Party" that is in effect a private IRS. Incongruously, the same governors are attempting to impose "privacy" laws on the use of data by private firms—which use such data mostly to *sell* stuff, not tax it. Aside from some non-committal harrumphing about privacy, established retailers and the corporate interests represented on the commission did not object. The beneficiaries of a more open, decentralized regime, meanwhile, are fewer, smaller, and less well-organized. They do not lobby so much because they're busy finding customers and doing IPOs.

The "No Internet Tax" slogan exemplifies a tendency, especially among free-marketeers, to rely on the Internet's sex appeal and on rapid technological progress as defenses against political interventions. That anti-political impulse won't do. An escape from the drag of status quo politics will require political entrepreneurship and arguments that resonate with and mobilize diffuse constituencies in defense of future and therefore speculative benefits. Effective resistance to a politically doctored New Economy requires resistance when the political schemes look benign and beneficial, as early on they often will. Instead of exempting new industries from political meddling, the emergence of such industries should be used as an opportunity to reform and discipline the existing institutions and arrangements—in this instance, an existing sales tax regime that is uniformly viewed as absurd. Instead of vague enthusiasm about a "world without borders," what is needed is the recognition that increased economic mobility and interdependence make borders *more* important: A world without borders is a world without exits, and citizens need exits to discipline government. Business will have to abandon its reflexive search for uniformity and relearn the advantages of interstate competition. A larger, more complex economy needs not more centralized control but the opposite: smaller, decentralized, competitive institutions that can manage complexity in little chunks.

This perspective runs counter both to entrenched interests and institutions and to erroneous but common intuitions. The arguments and the politics need rehearsing. The Internet tax debate is a good place to start. ♦

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Repeal the Clinton Tax Hike

Even he admits he raised taxes too much.

BY STEPHEN MOORE AND JAMES CARTER

SEVEN YEARS AGO Bill Clinton and the Democratic Congress passed what New York senator Pat Moynihan aptly described as "the largest tax increase in the history of the world." It passed by just a single vote in the House and a single vote in the Senate. To their credit, no Republicans in Congress voted for the Clinton tax millstone. Even Bill Clinton confessed two years later that "I think I raised your taxes too much." (You see, he really can tell the truth.)

The purpose of the tax hike back in 1993 was to eliminate the budget deficit. Economists will argue ad nauseam about how much those new taxes actually contributed to the balanced budget we finally achieved in 1998. For the record, our assessment is: not that much. The deficit was projected to remain well over $200 billion a year for as far as the eye could see two years after the Clinton plan was enacted. The deficit began to fall after Republicans took over Congress and abandoned the fiscal expansionary direction of Clintonomics.

In any case, what is unarguable is that the deficit has vanished and has been replaced with large and growing tax surpluses.

No one knows precisely how large those tax overpayments will be, but almost everyone agrees they'll be very big. Over the next five years the budget forecasters in Washington expect more than $1 trillion of excess tax revenues. In the five years after that, the Congressional Budget Office crystal ball sees another $2 trillion of surplus tax collections. Those are conservative estimates. Economist Lawrence Kudlow has been the nation's most accurate fiscal prognosticator of the last decade, and he estimates tax surpluses will be twice as large as the official forecast.

All of this is to say that the original rationale for the Clinton tax hike has vanished. But the tax hike hasn't. Back in 1995, Republicans nervously wrung their hands and intimated that in principle they would want to repeal the Clinton tax hike, but mountainous deficits made the idea politically hazardous. Clinton, of course, strongly opposes repeal. He continues to claim that this would "bring back the big deficits of the 1980s."

It turns out that just ain't so. Senator Connie Mack of Florida, the chairman of the Joint Economic Committee, has the evidence in hand to counter that charge. Mack recently asked the Joint Tax Committee of Congress to estimate the revenue impact if we were to repeal the entire Clinton tax hike and restore fiscal normalcy in Washington. The congressional number crunchers have now told Senator Mack that the savings to taxpayers would be enormous—a little over $1 trillion over 10 years. That would increase the after-tax income per family in America by $9,500 over the next decade. Finally, a tax cut worthy of the name.

Clinton and Gore raised an assortment of taxes in 1993. The top personal income tax rate was raised from 31 percent to nearly 40 percent. The gas tax was raised by 4.3 cents a gallon. The corporate income tax was raised from 34 percent to 35 percent—affecting all of us as workers, shareholders, and customers. Payroll taxes were raised. Social Security taxes were raised for "wealthy" seniors—i.e. those earning more than $35,000 a year. Almost everyone in our society—from the shoe-shine man to Donald Trump—had dollars pried from his wallet.

The good news from Senator Mack's report is that repealing this whole laundry list of taxes could be achieved without spilling one drop of new red ink. In fact, the entire Clinton-Gore tax hike could be repealed and we could still retire almost $2 trillion of debt, or about half of the national debt, over the next decade.

Naturally, the estimates by the Tax Committee fail to take into account the positive economic impact of liberating the U.S. economy from the depressive nature of all these taxes. The real burden of the Clinton tax was borne in the mid 1990s by *all* workers through lower output, investment, and wage growth than we would have otherwise had without the taxes. Yes, it is always guesswork to estimate "what would have hap-

Stephen Moore is director of fiscal policy studies at the Cato Institute. James Carter is an economist in Washington, D.C.

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pened" if some event had not occurred. But what we do know is that the economic expansion that began a year before Clinton entered office mysteriously stalled from 3.5 percent to about 2.5 percent in the two years after the 1993 tax hike. Repealing this tax hike would provide a prudent insurance policy against an abrupt halt to this economic expansion. Economists generally estimate that about one-third of the revenue loss from a tax rate reduction is typically recouped through the impact of higher growth.

For those who reject this supply-side theorizing, perhaps a real life example might offer some persuasion. Take a look at the impact of the 1997 cut in the capital gains rate from 28 percent to 20 percent. In the first three years of that tax "cut," capital gains revenues have soared by some 50 percent. We economists call this the Laffer Curve effect. Lower rates, more revenue. Seldom does real life fit the theory so elegantly.

We would also note that America's two primary economic rivals, Germany and Japan, both have followed the supply-side model by cutting tax rates in the past two years to jump-start their moribund economies. So far the policy seems to show signs of working as their economies begin to sputter back into gear. Although their tax rates are still higher than ours, America's competitive advantage on taxes—with the important exception of capital gains taxes—has slipped in recent years. Repealing the Clinton-Gore tax hike would help recapture that comparative advantage in the global economy.

Bill Clinton would almost certainly veto any bill designed to roll back his economic legacy. So be it. He was wrong then. He is wrong now. The Clinton-Gore tax hike seven years ago was way too big. Bill Clinton admits it. Taxpayers know it. And certainly there's no harm in reminding them eight months before an election.

Connie Mack's report shows that the money is there to correct this historical mistake. But is there the political courage on Capitol Hill? ♦

Dot-Commies

Beijing's Internet policies are short on freedom, long on control. BY ELLEN BORK

THE ALLURE of the China market has always had a seductive hold on America, and successive administrations have relied on American business to make the case for unfettered trade with that country. This year, however, there's a new twist. The potential influence of the Internet in China is now a major selling point in the White House campaign for permanent normal trade relations (PNTR) and entry into the World Trade Organization for China—the apotheosis of the Clinton administration's engagement policy.

The president claims China's entry into the WTO will make information technology products "cheaper, better and more widely available" in China, ensuring that "in the new century liberty will spread by cell phone and cable modem." As for China's efforts to crack down on the Internet, "good luck," he says. "That's sort of like trying to nail Jell-O to the wall."

High-tech industry has taken the president's cue. "Technology fuels communication, and communication fuels change. . . . The Internet will foster ideas and communication in China, hence we must be engaged in China to ensure that the Internet thrives," said Robert Holleyman, CEO of the Business Software Alliance. The Electronic Industries Alliance, EIA, has flown in CEOs to lobby members of Congress and is holding meetings for undecided members with high-tech companies in their districts. On April 28, EIA held a breakfast for representative Rush Holt, a freshman Democrat from New Jersey, and local representatives of high-tech companies at the New Jersey headquarters of Armand Products, which exports potassium carbonate to China. EIA president Dave McCurdy told Holt, "We're not here for profit. We're involved in the industry because it's the most exciting industry in the world and it's changing lives."

Holt didn't seem to buy it. He noted that the United States does more business with the Netherlands than with China, and wondered why no one in the room talked about getting China to improve its record on political freedoms, labor rights, and environmental standards. "I can't tell you the number of times I've heard [from business] over the last few months, 'We want rules-based trade,' and yet in all of these other areas, we don't need rules. We will count on their good intention. . . . I would like to see more from corporate America than just a trickle down argument that things will get better."

Put aside for the moment whether profit or political liberalization is American business's top priority in China. How credible are the arguments that the Internet actually challenges Beijing's control? And what are the Chinese doing about it? A closer look at the forces shaping the Internet's development in China counters the president's image of its leaders as keystone cadres powerless to stop an information-led revolution spearheaded by an increasingly "wired" citizenry.

First consider the numbers. The most commonly used estimate puts the number of users at 8.9 million, or less than 1 percent of China's 1.3 billion population. Even with the exponential growth claimed by various analysts, very few Chinese will be able to connect to the Internet, or get the benefits of liberty it supposedly brings, anytime soon.

Ellen Bork is a writer and consultant on Asian affairs.

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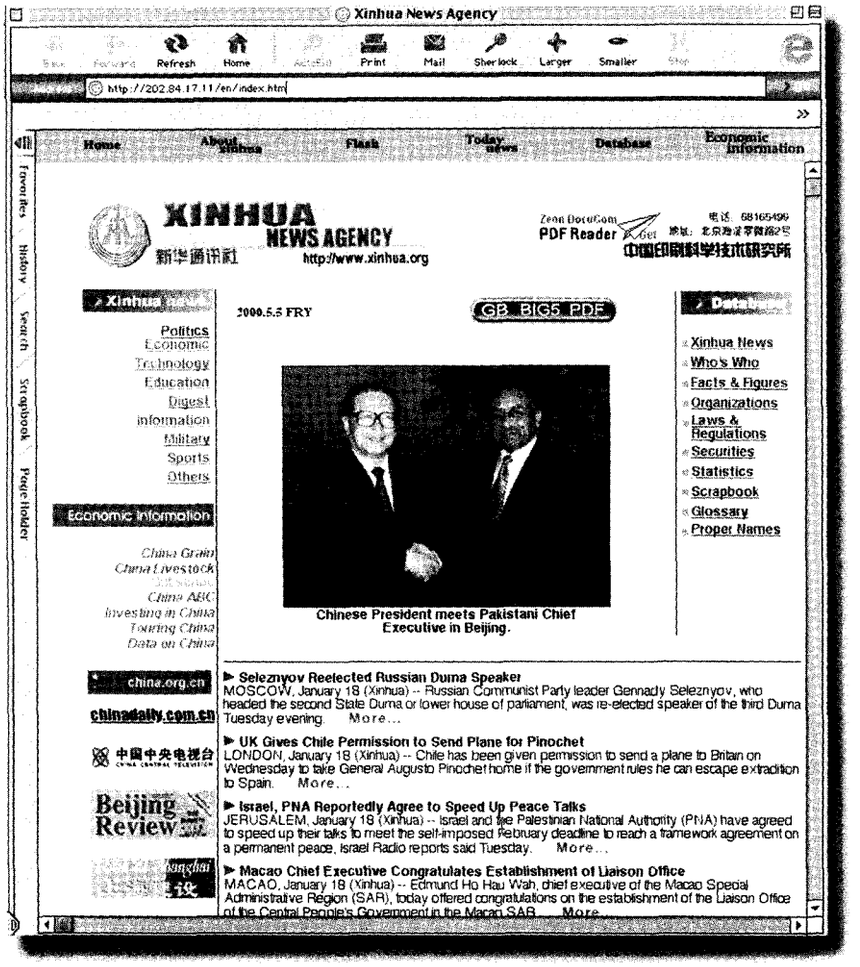

But focusing on the numbers doesn't take into account the most important aspect of the Internet's development in China, and the one aspect the president and others don't talk about. Chinese leaders from Jiang Zemin on down are serious about developing China's information technology and the Internet. China's leaders believe the Internet and the telecommunications infrastructure that supports it will be "an extraordinarily beneficial tool in the administration of China. And if there is one thing the Communist party is serious about, it is running the country," as Peter Lovelock, a Hong Kong academic and Internet expert writes. "Much of the evidence points to it being right in this belief. . . . [T]he information networks offer the potential for power structures to be reinforced rather than weakened."

China's Internet experience has its origins in scientific and academic computer networks in the late 1980s. Soon, however, the government caught on to the potential. In the early 1990s, the Chinese launched an initiative known as the Golden Projects to upgrade its telecommunications and information infrastructure. The Golden Projects were intended not only to make China more efficient economically, but also to respond to the breakdown in control and coordination that had come about as a result of Deng Xiaoping's economic liberalization and decentralization.

The government's projects included using information networks to advance reform of banking and the financial sector, customs, tax, and state-owned enterprises. But these were integrally related to other objectives. "Politically, Beijing perceived that extensive wiring of the country would provide the basis for increasing central coordination and administrative compliance," said Lovelock. "Senior leaders believed that information networks would allow them to sit in Beijing yet be present in each and every administrative troublespot throughout the country."

Not surprisingly, Chinese leaders gave priority to creating a restricted information network connecting themselves to each other. This project, known as Golden Sea, provided "immediate access to reference data from other institutions, organizations and offices under the direct jurisdiction of the Communist party central committee."

As for the public's access to the Internet, Lovelock writes, "Much as many people might like to think the Internet is part of a bottom-up explosion of individualism in China, it is not." Internet access is controlled by state owned or related companies with links to the bureaucracy. Smaller Internet service providers depend on access to these state-owned networks, and consequently must stay in the good graces of the state politically and financially to survive. China has made efforts to develop a China-only Internet.

While working to improve the use of the Internet for government and business, China has devoted considerable resources to monitoring, blocking, and censoring the information it considers subversive. According to the State Department's annual human rights report, special police units monitor and control access to the Internet as well as content. Internet cafes are required to register and monitor and report on customers. The government blocks websites, including those of the Voice of America, the *Washington Post*, the *New York Times*, and the BBC, and wages cyberattacks on foreign websites, including ones in Taiwan.

As for domestic content, there is a new Internet Information Management Bureau charged with regulating the news content of Chinese websites and guarding against "infiltration of harmful information." In order that the Internet shouldn't influence traditional print media such as newspapers and magazines, the government has issued an edict called "Circular on Further Strengthening the Management of Reprinting by Newspapers and Periodicals." It requires Chinese news organs to verify the accura-

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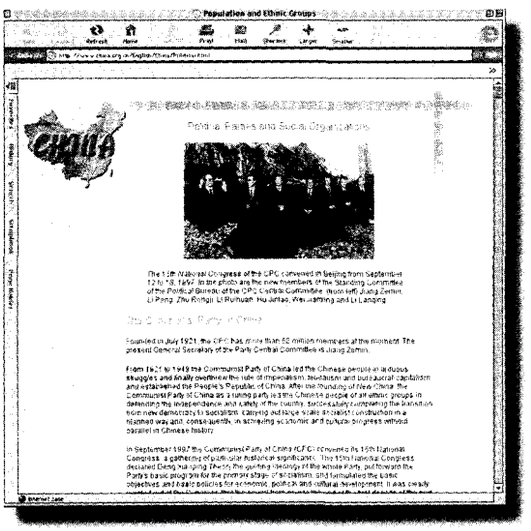
cy of news and information taken from the Internet.

The government also uses old-fashioned low-tech methods to restrict the power of the Internet. Lin Hai served 18 months for advocating the overthrow of the Communist party as punishment for providing 30,000 Chinese e-mail addresses to an overseas dissident magazine. According to the Committee to Protect Journalists, student Zhang Ji, who sent e-mails abroad about the government's repression of the Falun Gong, and Qi Yanchen, a freelance writer who put excerpts of a book called *The Collapse of China* online, were arrested last fall.

China's crackdown on information and dissent spread over the Internet doesn't much concern Dave McCurdy of the Electronics Industry Alliance. Asked if the high-tech sector's involvement in lobbying for normal trade relations and WTO accession made it incumbent on the industries to have a position on China's repression of the Internet, he answered, "We oppose it. However, most of our companies would like to make sure it's our base technology that's in on the beginning of this process. The question is, do we want it to be a French product that's being blocked or an American product that's being blocked?"

A lot of American companies also feel that it's worthwhile to be involved in China's Internet sector despite the restrictions on content and continuing ambiguity over the rules on foreign investment. The U.S.-China Bilateral Trade Agreement concluded last November purportedly grants foreign investors rights to 50 percent ownership of Internet service and content providers, phased in over two years. The commitment, however, was oral, not written. According to an article in the *China Business Review*, a great deal of ambiguity exists over the impact of the WTO on foreign investment in the Internet. Wu Jichuan, minister of Information Industry, which has jurisdiction over the Internet and telecommunications, has reportedly said that foreign investors still need to get government approval and licenses before investing in the Internet sector.

It's also not clear what investors will be allowed to own. In exchange for granting permission to Chinese Internet portals to list on overseas stock exchanges, the authorities have forced companies to limit the content of their sites and structure the public offerings to limit foreign holdings to special entities divorced from the main assets of the companies. Last summer, investors in one such state-owned telecommunications company were forced to divest themselves of their holdings. Investment is completely prohibited in the four Internet service providers which are authorized to conduct business online.



If this approach to the business of the Internet is confusing in the details, it is entirely clear in its overall thrust: China's entry into the Information Age doesn't mean it is about to abandon control over key industries and sectors. So far, Beijing has the Jell-O securely nailed to the wall.

WTO membership is not going to change that, and privately American businessmen admit it. One American executive involved in a Chinese Internet business said, "We don't assume China feels bound by international agreements, but it does send a signal in China that there might be limits on what the bureaucrats will do to us." A software designer admitted he didn't know the provisions of the November deal, but that he thought it would encourage, though not force, compliance with commitments to the protection of intellectual property.

Publicly, of course, the line is altogether different. The administration peddles the November agreement as "all one-way": China gives up everything and the United States nothing.

Using the Internet as a selling point for trade with China is just the latest example of wishful thinking by proponents of unconditional trade with China. Writing about China's developing telecommunications sector, Milton Mueller, a professor at Syracuse University, noted the culture clash between Westerners who assume that exposure to market forces and modernization of technologies will bring about freedom and the Chinese authorities who pursue the "'twin-fisted' policy of grasping economic construction while keeping leftist elements in power to protect party control and ideology from domestic and foreign influences."

Although he supports China's WTO membership, Mueller says that people "don't want to hear that technology itself doesn't liberate countries. What's important is market reform coupled with political reform. As China creates a market economy and liberalizes politically, that will bring about the growth of the Internet—not the other way around."

Clinton's pursuit of trade with China at the expense of other issues makes congressman Holt uncomfortable. He says most Americans don't consider trade with China the "end all" and "be all" of our economic policy. "Most Americans don't believe that. . . . My constituents don't believe that. It's a question of leadership." ♦

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Impeached—and Proud of It

Bill Clinton's History of Himself

By Andrew Ferguson

President Clinton isn't often asked about his impeachment these days, for many reasons—the main one being, of course, that nobody cares about it. Another reason has to do with the president's own way of answering questions about unpleasant subjects, on those rare occasions when such questions arise. A little over a year ago, for instance, holding his first press conference in 12 months, the president was asked by Sam Donaldson about Juanita Broaddrick. News junkies and trivia enthusiasts may remember Mrs. Broaddrick. She says the president raped her in a hotel room, and nobody cares much about her, either, since the economy is performing so marvelously, and even to whisper her name nowadays, among journalists as elsewhere, is considered a gross violation of taste.

Taste is no big deal to Donaldson, as we know, and in this press conference, in March 1999, he made a remarkable discovery: The quickest way to get the president to talk about impeachment is to ask him about rape. At least I think that's what happened.

Q: Mr. President, when Juanita Broaddrick leveled her charges against you of rape in a nationally televised interview, your attorney David Kendall issued a statement denying them. But shouldn't you speak directly on this matter and reassure the public? And if they are not true, can you tell us what your relationship with Ms. Broaddrick was, if any?

A: Well, five weeks ago today, five weeks ago today, I stood in the Rose Garden after the Senate voted [in the impeachment trial], and I told you that I thought I owed it to the American people to give them 100 percent of my time and to focus on their business, and that I would leave it to others to decide whether they would follow that lead. And that is why I have decided, as soon as that vote was over, that I—would allow all future questions to be answered by my attorneys. And I think I made the right decision. I hope you can understand it. I think the American people do understand it and support it, and I think it was the right decision.

Andrew Ferguson is a senior editor at The Weekly Standard.

It is a lovely answer, encapsulating all the twists and back-bends and half-steps and evasions and assertions of rectitude that we expect from a genuine, meticulously formulated Clinton response. First of all, and most crucially, it doesn't answer the question. The question is simply blown back by a blast-furnace of hot air. Second, the ambiguity is impenetrable. "All future questions" about what? About everything? We know he doesn't want David Kendall answering questions about targeted tax credits and whatnot. About impeachment, then? Surely he isn't referring to "all future questions" about rape, since Mrs. Broaddrick's claim hadn't been publicly made at the time of his Rose Garden statement, when the president says he made this fateful decision. Then again, maybe he means to imply that he's expecting more rape accusations—there are a lot of women in Arkansas, after all—and that he doesn't want to answer them. Who knows? We can only hazard a guess. And here's mine: The president is saying that all future questions about impeachment will be answered by his lawyers.

And to top it off—what really seals this as a museum-quality Clinton answer—is that it turns out not to be true! When the president says he decided a while back to decline to answer "all future questions," he implies that he had been answering all previous questions up to that moment. But in fact the president had been declining to answer any questions for close to a year, always with the implication that he would be overjoyed to answer the questions at some future date. The untruth, in other words, is both prospective and retrospective, extending through time, comprehending the past and the future and folding over on itself like an M.C. Escher fantasy. One can only marvel. Is it any wonder that so many of Clinton's opponents have gone insane?

In the end, however, even the pledge not to answer questions was rescinded. After his March 1999 press conference, the president began, when asked, to comment on impeachment. As I say, he hasn't been asked terribly often. The White House press corps likes to think of itself as a kennel of pit bulls, but really most of the reporters

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Earl Keleny

there are quite domesticated, a bunch of pussycats. They much prefer asking questions like—well, like these, from that same press conference in March 1999, when the reporters confronted the president for the first time since the century's only presidential impeachment, with accusations of rape and Chinese espionage hovering over him and his administration: "Do you think your wife would be a good senator?" "How are the two of you doing in trying to strengthen your relationship, given everything you and she have been through over this past year?" "Do you consider it a betrayal for former aides to write books on the history of your administration while you're still in office?" "Sir, will you tell us why you think people have been so mean to you?" (This last was from the octogenarian Sarah McClendon. After the laughter died down, the president said: "Let me give you a serious answer," and then actually did.)

Even so, President Clinton has been asked a sufficient number of impeachment questions over the last year to begin to piece together how he sees this interesting chapter of his public life. Most recently he went before a meeting of the American Society of Newspaper Editors, who were permitted, following his address, to ask him three questions. The first two questions touched on impeachment. (That's how clueless these out-of-town editors are. They haven't figured out yet that nobody cares anymore.) One editor asked whether the president would "accept" a pardon from the next president. The next question was whether, or how, the Clinton presidential library will treat the subject of impeachment, and this allowed the president to reflect on the episode in all its historical grandeur. For the episode fairly drips with historical grandeur, in the president's view.

"On impeachment," the president said, "I am proud of what we did there, because I think we saved the Constitution of the United States." The transcript of the president's appearance is sketchy, but I have closely read contemporaneous news accounts, and astonishingly there is no evidence that following this remark any of the editors fell to the floor in a dead faint, clawed the air in a grotesque pantomime of terror, or even ran gasping from the room to the hotel bar. Apparently the president felt

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sufficiently encouraged by this to continue, which he did, saying, "I'm not ashamed of the fact that they impeached me. That was their decision, not mine, and it was wrong. As a matter of law, Constitution, and history, it was wrong."

It was, in fact, one in a series of wrongs that the president has had to take it upon himself to right. "I consider impeachment one of the major chapters in my defeat of the revolution Mr. Gingrich led, that would have taken this country in a very different direction than it's going today," the president went on. "And it also would have changed the Constitution forever . . ."

In its grandiosity, in its sheer ostentation, this view seems to have startled some people, but it conforms generally with the president's other pronouncements about impeachment. The pronouncements follow a format. When asked about the subject—or indeed whenever a questioner ventures into the general neighborhood of Monica Lewinsky, Paula Jones, Kathleen Willey (not a high-rent neighborhood)—the president first acknowledges, for the record, a mistake, and notes that he has apologized for it, although when precisely this apology took place is unclear. The mistake, further, is always a "personal mistake," a "self-inflicted" mistake in "private conduct." And what was that personal mistake, specifically? Was it the nailing of the intern, or was it the public denial of the nailing? Was it mobilizing his wife, the Office of the President, and several cabinet secretaries in furtherance of that denial for the better part of a year? Was it getting caught? We cannot know, and of course no one has dared to ask. In the president's account of impeachment there's just a nameless mistake, stark and naked and alone, unconnected to anything before or after.

In describing his tribulations, President Clinton has invoked several biblical figures as well as Nelson Mandela.

The mistake marks a boundary, in other words, the point at which the president's culpability ends and beyond which the president stands blameless. Why then was there an impeachment? By his own account, as it happens, the impeachment was not a consequence of the president's misconduct but of his virtue. "In our country's history," he told a press conference last June, "the people who are progressive, the people who try to change things, people who keep pushing the envelope, have generally elicited very strong, sometimes personally hostile negative reactions. You read some of the things people said about President Roosevelt."

The president has discoursed frequently on Franklin Roosevelt since the impeachment, as another man whose greatness shines undimmed by his enemies' hostility. ("You say people say I parse words too close," he told Dan Rather last year. "That's what they said about President Roosevelt, too. And he made a pretty good president.") In describing his tribulations he has also invoked the experience of several biblical figures as well as Nelson Mandela—although he agrees that Mandela's 27 years at hard labor make his own year of discomfort seem like "peanuts." The president has his own kind of modesty.

His impeachment was thus a persecution whose roots lie exclusively in the perfidy of others—Republicans, actually. "They knew that the American people agreed with my ideas," he said last March, "and the direction in which I was taking the country." They were driven to extra-constitutional measures by his political success. "They did not agree with what I had done and they were furious that it had worked and that the country was doing well." Crazed by the unemployment figures, the lowered crime rates, and the soaring Dow Jones Industrial Average, Republicans saw impeachment as their only recourse. "They attempted to use what should have been a constitutional and legal process for political ends."

Now, this is a pretty serious charge—sedition, when you get right down to it—and you or I might think that the people who were guilty of it should face some kind of penalty. Many on the White House staff feel that way, according to the president. But he is a bigger man than you or I, bigger even than those on his staff. He has encouraged them in the art of forgiveness. "I keep telling everybody that works for me that we have no right to harbor anger," he said last June. "I have no lingering animosity. . . . I realized that if I wanted forgiveness, I had to extend forgiveness. If I wanted to be free to be the best president and the best husband and father and the best person I could be, I had to free myself of bitterness. And I've worked very hard at it."

No one should be surprised, in light of this, that the president believes his own interests and the interests of the Constitution are essentially the same; the president has an outsized view of impeachment because he has an outsized view of himself. He has always been a master of inversions—of turning the meaning of things inside out to his advantage. But here, as his presidency draws to a close, he has pulled off the grandest inversion of all. By his own telling he has emerged from the ordeal of impeachment not as a perjurer, not as an abuser of power, not even as a cad—but as a molder of character, a forgiver of sins, a saint. ♦

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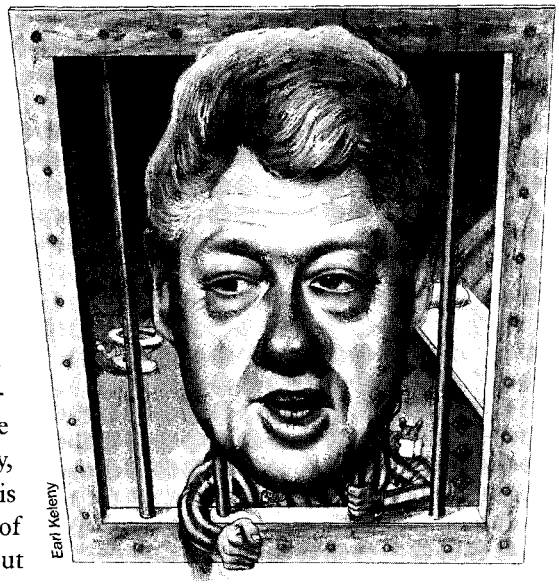
Pardon Him

If he's indicted, and despite everything, Clinton's successor should let him off.

By Tod Lindberg

Upon taking office January 20, 2001, our forty-third president, Democrat or Republican, may face an unpleasant but important unresolved matter from the tenure of the forty-second: the issue of a pardon for Bill Clinton.

Although President Clinton's impeachment and acquittal a year ago created a sense of climax to the scandals that have plagued his administration and to the independent counsel investigation that has dogged him since 1994, it is beginning to sink in that Clinton's troubles may not be behind him. His legal jeopardy is real and ongoing.


Earl Kelleny

Though the independent counsel statute expired last year, investigation into President Clinton's conduct continues under the terms of the old law. Robert Ray, who succeeded Kenneth W. Starr, is apt to be the last of the breed of statutory independent counsels, but that in no way diminishes his power: He is accountable only to himself on decisions to prosecute or not to prosecute.

In media interviews going back to the time of his appointment in 1999, Ray has said he is eager to complete his investigation and file his final reports. But recently, he has also all but said he is actively contemplating an indictment of Bill Clinton—presumably on charges of perjury and obstruction related to the president's sworn statements about Monica Lewinsky in his deposition in the Paula Jones case and his testimony before Starr's grand jury. As he recently told the *Washington Post*, "there is a principle to be vindicated, and that principle is that no person is above the law, even the president of the United States." Ray is reportedly hiring additional lawyers to help him consider the matter.

Though many of Clinton's defenders think this is outrageous, it should perhaps come as no great surprise. The law under which the independent counsel operates calls for him to follow Justice Department guidelines on whether or not to indict. Prosecutors are to indict when they believe an impartial jury would convict the defendant on the available evidence. If the evidence against Clinton is as strong as Starr believed, it might be harder for his successor to turn his back on the case than people generally assume.

The Office of Independent Counsel Ray inherited is on record in its impeachment referral in no uncertain terms that "there is substantial and credible information" Clinton repeatedly "lied under oath" and "endeavored to obstruct justice." Also weighing on the side of potential danger for Clinton is the finding by Judge Susan Webber Wright, the Jones case judge, that Clinton "gave false, misleading, and evasive answers that were designed to obstruct the judicial process." The president did not contest her ruling, choosing instead to pay the fine she levied against him for civil contempt of court. He is currently embroiled as well in a disbarment inquiry in Arkansas.

Bill Clinton is not, of course, without a defense against perjury and obstruction charges; during the impeachment proceedings, his lawyers argued strenuously that Clinton's statements, though evasive and misleading, could not legally be construed as perjury and that the obstruction case was a thin reed of inference and speculation.

Ray will reach his own conclusions. He is free to repu-

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diate Starr's or stand by them yet decline to prosecute. He may issue a final report on the Lewinsky-related matters before Clinton leaves office. If he does, that is the end of the matter. But mere quiet from the Office of Independent Counsel through the end of his term may not be good news for former President Clinton. Ray may conclude, as most scholars argue, that for constitutional reasons, or even prudential reasons, he cannot indict a sitting president. But the statute of limitations covering the events in question will not have tolled by January 2001. So the real test of the independent counsel's intentions may not come until then. In the absence of a clear resolution before that time, this is when Clinton's possible criminal liability becomes an acute problem.

The fact that the Senate acquitted Clinton on charges related to the same conduct that might bring criminal charges may or may not be decisive for Ray. Impeachment proceedings and criminal proceedings are separate matters. There is no constitutionally prohibited "double jeopardy" here. Consider a case of the reverse sequence: Judge Alcee L. Hastings stood trial in 1983 on federal charges of conspiring to solicit a bribe. He was acquitted. Yet the House subsequently voted to impeach him on the same allegations (as well as lying under oath in his own defense at the trial), and the Senate voted to remove him. Hastings protested at the time that the impeachment proceedings amounted to double jeopardy, but Congress was unmoved. (Hastings, unrepentant, went on to be elected to Congress from Florida in 1992; during the Lewinsky affair, he was one of a group of Democrats who introduced a resolution calling for the impeachment of Starr.) The Senate's judgment is final and cannot be reviewed judicially or elsewhere, but the Constitution holds that the Senate's power "shall not extend further than to removal from office, and disqualification" from holding future office. The Senate, in other words, does not sit as a criminal court.

Indeed, the Constitution specifically contemplates the possibility of a criminal trial following impeachment and *conviction*: "The party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law." But what about impeachment and acquittal? There is no precedent for criminal proceedings following an acquittal in the Senate. But the absence of a precedent does not dispose of the matter.

During the impeachment debate, many members of Congress, Democrats especially, insisted that a courtroom, after the president leaves office, is in fact the appropriate place to deal with Clinton's transgressions. Said Rep. Jerrold Nadler, Democrat of New York, a House Judiciary Committee member, "Is the president above the law? Certainly not. He is subject to the criminal law—to indictment and prosecution when he leaves office like any other citizen, whether or not he is impeached." And the president himself has weighed in on the subject, saying, "I'm prepared to stand before any bar of justice that I have to stand before."

One may question whether any of these sentiments is more than a rhetorical strategy. But no matter: After January 20, 2001, indictment may well remain a possibility. What then?

A presidential pardon of a former president, the second in our history, may be distasteful to contemplate. It may also be politically inconvenient for the next president. Al Gore will recall the political damage done to Gerald Ford when he pardoned Richard Nixon. Ford's job approval rating, he notes in his memoirs, *A Time to Heal*, declined virtually overnight from 71 percent to 49 percent. Ford is not alone in the belief that the Nixon pardon was the single biggest contributor to his defeat by Jimmy Carter in 1976. On the other side of the partisan divide, a George W. Bush pardon of Clinton would court the anger of conservative Republicans, many of whom would likely feel Clinton was getting away scot-free yet again. And as it happens, a pardon is distasteful to Clinton himself—"I'm not interested in being pardoned," he insists—which is perhaps no surprise, since a pardon would be an insult to his contention that he committed no crime.

In a fundamental sense, however, the issue of a pardon should not be about one's view of Bill Clinton, nor about calculations of political advantage. It is about one's view of the presidency. We have had a number of presidents who have acted dubiously. Yet this has never been a country that has hauled its former presidents into the dock, let alone locked them up. The issues at stake in deviating from that practice are bigger than the fate of any particular ex-president.

This unspoken American tradition became explicit in the case of Nixon, the first time the climate of opinion favored the indictment of an ex-president (on more severe charges than Clinton might face, be it noted). When Gerald Ford issued his pardon proclamation on September 8, 1974, he emphasized his concern that Nixon might not be able to get a fair trial and that the matter might drag on, continuing to polarize the country. His aides emphasized in the aftermath that Ford's action was "an act of mercy." Yet this is not the aspect of the pardon decision Ford says weighed heaviest on him.

In *A Time to Heal*, he writes, "First of all, I simply was not convinced that the country wanted to see an ex-President behind bars. We are not a vengeful people; forgiveness is one of the roots of the American tradition. And Nixon, in my opinion, had already suffered enormously. His resignation was an implicit admission of guilt, and he

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would have to carry forever the burden of his disgrace. But I wasn't motivated primarily by sympathy for his plight or by concern over the state of his health. It was the state of the *country's* health at home and around the world that worried me." Among the handful of close advisers Ford consulted was Secretary of State Henry Kissinger. Kissinger had reached the conclusion, as he describes it in *Years of Renewal*, his third volume of memoirs, that the "spectacle" of a presidential indictment "would have been gravely damaging to America's standing in the world." Ford calls Kissinger's argument "very impressive."

Ford evidently wrestled with the question of whether he was holding Nixon to a standard different from other Americans: "Although I respected the tenet that no man is above the law, public policy demanded that I put Nixon—Watergate—behind us." Yet as Brian C. Kalt notes in the *Yale Law Journal*, the question of a pardon is not the question of whether a president is above the law. If a president reached the politically charged conclusion that he could pardon himself—an erroneous conclusion, in Kalt's persuasive account—we would rightly be concerned about the rule of law. Absent such a conclusion, Clinton remains accountable. The next president will make the decision on whether to exercise a constitutional power of the executive.

The idea that accepting a pardon amounts to an admission of guilt is dubious, as is the idea that a pardon can be rejected.

The Constitution itself provides no guidance on the exercise of the pardon power, but ample precedents in our history and in English common law, from which this power derives, demonstrate the many uses to which it has been put. Clearly, the president is not limited to the consideration of guilt or innocence. He may take other matters into account—for example, the greater good of the country (Ford's "public policy"), the precedent at stake, reasons of state, national security.

If the decision in this case is to pardon, the next president will hardly be issuing an official proclamation of Bill Clinton's innocence. It is no honor for a former president of the United States to have the incumbent president decide to pardon him. The pardon in this case amounts to an official declaration that the former president is in such legal jeopardy, because of his own dubious conduct, that a pardon is necessary in order to avoid something worse.

The Supreme Court has gone farther than that. In *Burdick* v. *U.S.* (1915), the court averred that a pardon "carries an imputation of guilt; acceptance a confession of it." Ford says he relied heavily on the court's pronouncement in this case to assuage the concern that a pardoned Nixon could somehow represent himself as vindicated.

But if accepting a pardon amounts to a confession of guilt, why, for his part, would Clinton do that? Obviously, he could thereby avoid the time and expense of a trial, and the rehashing of embarrassing intimacies. Those are valuable considerations, even leaving aside the risk of conviction. But at the price of a "confession of guilt"? Perhaps concern for this implication lies behind Clinton's apparent disavowal of a pardon in April.

But with all due respect to Ford and the *Burdick* court, the idea that accepting a pardon necessarily amounts to an admission of guilt is highly dubious, and so for that matter is the proposition that an unconditional presidential pardon can effectively be rejected. The court found that George Burdick, a newspaper editor, need not accept a presidential pardon that was issued in order to secure testimony he had been refusing to provide on the ground that doing so might incriminate him. With the pardon, in the government's view, he would not be in legal jeopardy; therefore, he could not plead the Fifth Amendment and refuse to answer. In this case, the court rejected that view, contending that a pardon has to be accepted by the person to whom it is granted in order to take effect. But interestingly, the court's view that acceptance equals confession is no more than an example of a *reason* Burdick might want to refuse to accept the pardon—since by the court's analysis, he could reject the pardon for any reason whatsoever (for example, because he wanted to stay mum to protect people). The acceptance-equals-confession dictum really has nothing to do with the decision in the case.

Moreover, in a 1927 case, *Biddle* v. *Perovich* (involving a convict who complained he had never accepted the presidential commutation of his death sentence), Justice Oliver Wendell Holmes, writing for the court, was withering on the deficiencies of the *Burdick* ruling: "The Solicitor General presented a very persuasive argument that in no case is [the] consent [of the person pardoned] necessary to an unconditional pardon and that it never had been adjudged necessary before *Burdick*. . . . When [a pardon] is granted it is the determination of the ultimate authority that the public welfare will be better served by inflicting less than

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the judgment fixed." The *Burdick* reasoning would in fact circumscribe the president's constitutional power. And if it is outside the power of the pardoned person to refuse, "acceptance" can hardly be equated with confession, otherwise confession becomes mandatory. That's absurd.

And, in fact, we have in George Bush's 1992 Christmas Eve pardon of Caspar Weinberger and five other figures in the Iran-Contra scandal an example of a president who doesn't himself seem to attach much guilt to the acceptance of the pardons he proffers. Especially in the case of Weinberger, whose case was soon to go to trial, Bush's pardon message is laudatory, not inculpating: "Caspar Weinberger is a true American patriot. . . . Secretary Weinberger's legacy will endure beyond the ending of the Cold War. . . . I am pardoning him not just out of compassion or to spare a 75-year-old patriot the torment of lengthy and costly legal proceedings, but to make it possible for him to receive the honor he deserves for his extraordinary service to our country." Bush attributed the prosecution of Weinberger and the others by independent counsel Lawrence Walsh to "a profoundly troubling development in the political and legal climate in our country: the criminalization of policy differences." Here the exercise of the pardon power seems designed to act as a check on the independent counsel's statutory powers.

Which brings us back to Clinton. The independent counsel act is history, but the last independent counsel is not. Ray may follow the facts and the law to the conclusion that he *must* indict Clinton. In the event that the next president thinks this would be ill-advised, he has only one effective option, and that is a pardon. Clinton would not have to say anything for the pardon to have its effect. Indeed, even a "refusal" to accept the pardon would have no legal effect. The notion that the independent counsel would go ahead and indict Clinton even if he did not "accept" a pardon is inconceivable. It was thus a deeply Clintonesque answer—misleading and evasive—that Al Gore gave last month when asked whether he might pardon Bill Clinton: "Well, once again, President Clinton is way ahead of you on that. He said publicly some time ago that he would neither request nor accept a pardon"—as if a pardon by Clinton's successor would require either of these two things to be effective. (Gore, to boot, subtly misstated what Clinton had said about a pardon, which was, "I wouldn't ask for it"; "I don't think it would be necessary"; and "I don't want one.")

It takes just a simple thought experiment to see why a President Gore or a President Bush, even apart from reasons of state and reasons of tradition, might want to issue a pardon. What would the next *Trial of the Century* look like? How would we like a return to all-Monica cable programming for the duration? Shall we review for our children the question of whether receiving oral sex constitutes "sexual relations" within the meaning of the modified definition in the Jones case deposition? Shall we count again the times and places she says he touched her?

What if he's acquitted? What if he's convicted? What if the jury is hung? What a disaster.

Moreover, what about the potentially dangerous precedent in indicting an ex-president? What if the next prosecution of a former president has less to do with his conduct and more to do with the political power of his opponents and a taste for revenge?

There is, of course, the danger of the opposite precedent: Will presidents feel free to misbehave knowing they can escape legal accountability? Indeed, in one of the many rich ironies of the Clinton era, Clinton himself articulated this point, arguing against Bush's 1992 pardons: "I am concerned about any action which sends a signal that if you work for the government you're above the law."

Yet a courtroom jury won't have the last word on any president, and presidents know it. It's reasonable to expect them to govern their own conduct with an eye toward how history will regard them. When they lose sight of this, perhaps in the expectation that they can get away with something, they risk more than legal expenses, a trial, conviction, a fine, even a prison sentence. They risk, as Nixon and Clinton have, a certain infamy as a permanent element of their reputation.

Bill Clinton was not removed from office. But he didn't get away with anything. The Senate avoided a full-scale trial with witnesses called to the chamber because a majority of its members understood that the Senate would not oust Clinton for the offenses the House charged. Most did not, however, find his conduct anything but reprehensible. The question of whether or not Clinton should have been impeached will be debated for a long time to come. But all such debates start with the fact that he was impeached, something he has in common with only one other president—the likewise acquitted but hardly exemplary Andrew Johnson. And those two keep some company with Nixon, who resigned rather than face impeachment.

Yet the impressive sight of Presidents Ford, Carter, Reagan, and Clinton at the funeral of Richard Nixon should serve to remind us also of the gravity of the office and of the degree to which our common history is made there, for better and for worse. It would have been wrong for any of the other presidents to decline to attend that funeral, notwithstanding Nixon's disgrace. The office is bigger than the people who occupy it, as befits the chief executive position in a democratic society. For the sake of the office, the next president ought to be prepared to pardon Bill Clinton. ♦

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"One Florida"—Many Problems

Governor Jeb Bush seemed to be making progress removing race and gender preferences—but then politics happened.

By Matthew Rees

Tallahassee, Florida

Early last November, Jeb Bush, the Republican governor of Florida, did something no other governor has done: He issued an executive order to end "racial or gender set-asides, preferences or quotas" in state contracts and university admissions. The announcement, part of a larger package of reforms he called "One Florida," was greeted with widespread acclaim. Ward Connerly, who spearheaded a successful 1996 initiative in California to repeal the same kind of set-asides, preferences, and quotas, gave it a cautious endorsement, but so did representatives of minority groups and nearly all of the state's major papers (as well as the *New York Times*). Most important, One Florida enjoyed the backing of Daryl Jones, a respected state senator who chaired Florida's caucus of black state legislators.

The hosannas didn't last long. Over the past six months, One Florida has run into a buzz saw of criticism, from the right and the left, and been pulled into the crosscurrents of racial, sexual, and presidential politics. Having tried to please Connerly and black liberals, Bush is now at loggerheads with both. But One Florida has hardly been a failure. Bush's executive order has begun to end an anachronistic racial and ethnic spoils system, while shifting Florida's race debate in a colorblind direction. Still, his efforts are a cautionary tale of what awaits any politician who treads into the political minefield of race and gender.

During his first campaign for governor, in 1994, Bush appeared at a televised town meeting and was asked by a black newspaper reporter what he would do for blacks. His admirable response was that "It's time to strive for a society where there's equality of opportunity, not equality of results." But the only part of the answer that got picked up was what he said next: "So I'm going to answer your question by saying: probably nothing." The comment was widely publicized by Democrats, and it might have lost him the election.

Chastened, he spent much of the next four years trying to prove that he would do "something" for blacks if elected governor. Working with the Urban League, he founded, and taught at, a charter school in the heavily black Liberty City section of Miami. During his campaign, he proposed a "Front Porch Florida" initiative to revitalize urban communities. And he aggressively courted black voters. This helped him win endorsements from a number of black legislators, and double his share of the black vote, albeit to a modest 14 percent.

More important, Bush earned an element of trust, and goodwill, that few white Republicans get from black elected officials. Last summer, a black Democratic state representative named Chris Smith took Bush on a tour of his Fort Lauderdale district. "I walked him down the main black boulevard," recalls Smith, "and people were spontaneously coming out and shaking hands with him." Bush was so warmly received that Smith had a number of photos taken with him and was thinking of using them in his reelection campaign.

Today, Smith has no plans to do so. Indeed, says Smith, "if I were to even appear on a podium with Bush, I'd be a dead man in my district." And there's only one reason for that: One Florida.

During his 1998 campaign for governor, Bush made clear that while he favored equality of opportunity, he opposed policies that explicitly favor one group over another. And shortly after his inauguration, in January 1999, he met in Tallahassee with Connerly, who said he intended to mount an anti-preferences campaign in Florida, and that he wanted it to be on the ballot in November 2000. Bush replied that while he found such an approach "divisive," he shared Connerly's concerns about the legality of having the state make admissions and contracting decisions on the basis of race, ethnicity, or gender. With a

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nudge from Connerly, Bush directed his staff to review state policies on affirmative action.

This exhaustive review found race, ethnicity, and gender were being used to make decisions about state contracting and university admissions. Bush eventually took action because, he says, granting set-asides to women and minorities was "constitutionally suspect." (A number of Supreme Court rulings over the past decade support his conclusion.) He could have added that a Florida State University study published in December 1995 concluded that government set-aside programs should be eliminated after finding no history of discrimination against women- and minority-owned business in the awarding of state contracts. Another motivating factor was the prospect of Connerly's initiative being on the ballot in November 2000, which Bush feared would bring more heat than light to the issue.

Courtesy of Chris Smith

Bush and Chris Smith (right) with Mack King Carter, a Broward County Baptist pastor.

Thus, Bush set out to craft reforms that would eliminate set-asides, but also increase diversity and opportunity in contracting and university admissions. Under his Talented 20 program, for example, the top 20 percent of every graduating high school class in Florida would be guaranteed admission to the state university system (this meant diminished emphasis on the SAT, a test many blacks charge is culturally biased). Bush also proposed overhauling the process of procurement and business certification, which, he said, would change the fact that less than one percent of available state contracting was being done with minority-owned businesses.

As Bush was cobbling together his package of reforms, he had extensive consultations with Daryl Jones, the black caucus chair, and a number of other black legislators. They conveyed their support for One Florida, and Jones even agreed to chair a One Florida task force on educational equity. On the day the initiative was unveiled, Les Miller, who's both black and the House Democratic leader, issued a statement praising Bush for "taking a positive step toward protecting racial and gender inclusiveness in Florida's universities and contracting practices."

Within days, however, Miller, Jones, and just about every black elected official in Florida had turned against Bush. If Bush made a mistake, it was in ignoring the national picture, in which his brother was emerging as the front-runner for the Republican presidential nomination. He believed he could take sweeping action on race without becoming a lightning rod for controversy. Given the assurances of support he'd received from Jones and others, it's easy to see how he got this impression. Indeed, it's unlikely he would have been double-crossed had Jones not been steamrollered by the state's three black members of Congress: Carrie Meek, Corrine Brown, and Alcee Hastings.

From the moment One Florida was released, these three unapologetic liberals condemned it as insensitive and deeply flawed. But there was another reason for their opposition. Gayle Andrews, an adviser to Florida's black caucus, noted One Florida "gave African Americans a cause, something to rally around that they didn't have."

Days after the program was announced, emotions were running so high that Kendrick Meek, a Florida state senator and the son of congresswoman Carrie Meek, began plotting to bring down Jones as chairman of the black caucus. The effort was aborted only when Jones, who had recently called Bush a "sincere" supporter of diversity and opportunity, promptly turned against One Florida, belittling it as an effort to "award contracts to people who made campaign donations." Bush says he viewed Jones's defection as "the ultimate betrayal," and even the left-leaning editorial writers at the *Miami Herald* said the move "speaks more to election-year politics than it does to the merits of the Bush plan." (Jones, still trying to atone for his sins, has told black audiences that he now opposes One Florida because "our people fought and died for affirmative action.")

That politicians would play politics is hardly a surprise, but the candor of One Florida's opponents on this point is breathtaking. "However damaging One Florida becomes to the state of Florida, it's been the best shot in the arm for the Democratic party and the caucus," said black state representative Addie Greene in March. "This—ending affirmative action—is a political battle.

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And we are taking advantage of it." Similarly, Corrine Brown, the black congresswoman from Jacksonville, asked a group of protesters at an anti-One Florida rally, "Could you imagine waking up on November 8 and opening the paper to see that George W. Bush is president of the United States?" "That," she continued, "is what this is all about: the November election."

This puts Jeb Bush in the unenviable position of negotiating with legislators who will say, and do, nearly anything to stir up resentment. When he was supposed to have lunch with the black caucus in March, most of them canceled at the last minute, saying the meeting needed to be conducted over dinner. And in January, two black state legislators, Meek and Anthony Hill, occupied the office of Bush's lieutenant governor, Frank Brogan, for 25 hours to protest One Florida, saying they wouldn't leave until Bush rescinded the executive order. The sit-in, which was punctuated by Meek and Hill eating Churchs fried chicken and singing "We Shall Overcome," ended with a compromise: Three public hearings would be held to discuss the plan.

The objective behind the sit-in and the hearings was to draw media coverage. The strategy worked, particularly when the hearings descended into Jerry Springer-style chaos. Opponents of One Florida routinely shouted down anyone who dared to voice support for the plan; one speaker warned, "I'm willing to die over this issue." As for Bush, he was cast as a sympathizer of Jim Crow, George Wallace, and Adolf Hitler. "This has been a difficult time for me," he acknowledged at one hearing. "The last two weeks I have carried around a heavy heart," to which the crowd responded with catcalls and jeers.

The sit-in and the hearings, it turned out, were just warm-up acts for the main event: an anti-One Florida demonstration in Tallahassee. Coinciding with the opening day of the legislature, when Bush was giving his State of the State address, the rally attracted between 5,000 and 50,000 people, depending on whose estimate you believe (the local school superintendent helped inflate the number by closing the schools for the day). Jesse Jackson was on hand to say, "This is not about black and white, it's about wrong and right." The speeches made clear that opponents were prepared to frame the controversy in the most apocalyptic terms. A black pilot who fought in World War II—one of the fabled Tuskegee Airmen—raised the specter of Florida being resegregated, saying, "When I was in Florida I couldn't go to the beach. I don't want to be bushwhacked into those days."

Asked about the fevered response to One Florida, Bush says "you would think I've declared thermonuclear war on a group of people." Sadly, that's pretty much what many blacks have been led to believe. Anthony Hill, one of two state legislators in the sit-in, says that "just like in Ralph Ellison's *Invisible Man*, the executive order would make minorities invisible." And Carrie Meek, from Miami, regularly invokes her experience of having to leave the state in 1947 to get a post-graduate degree because Florida's schools didn't admit blacks.

Without racial preferences, Bush's critics are saying, blacks will be shut out of Florida's universities. This happens to be wrong—the number of minorities admitted to Florida State University increased 18 percent this year after the school ended its race-based preferences. It's also perverse, resting on the idea that blacks just can't compete without preferences. "Facts," concludes Bush, "are a lot less relevant than emotional diatribes."

Governor Bush has received little help from the legislature's Republicans, who continue to back One Florida but do so quietly. The effect, says Herb Harmon, a skilled Republican consultant who's handling the state organizing effort for Connerly, has been a change in Bush's rhetoric. "Ever since the sit-in, he has stopped talking about all the legal problems with set-asides, and started talking more about enhancing opportunity and beefing up anti-discrimination laws." Harmon points out that the legislative package accompanying One Florida was quite modest, calling for procedural reforms rather than wholesale changes in contracting and university admissions. In fairness to Bush, the legislature's Republicans had made it clear they wouldn't support anything more.

The massive resistance to One Florida has, predictably, carried over into the courtroom. The NAACP has won an injunction against the Talented 20 program, thus preventing its implementation, and denying hundreds of the program's students entry to the state university system. As for Connerly, he recently zinged One Florida as "a shell game." He says that if his initiative, which is much more sweeping than One Florida, doesn't get on the ballot this November—and it probably won't for various legal reasons—it will be there in November 2002. And Anthony Hill, the state representative who participated in the sit-in, is predicting a "long, hot summer," to be followed by an "election this November that will be like no other in Florida history."

That, like countless other predictions made by One Florida's left-wing opponents, probably won't come true. Polls show strong support for the colorblind principles embedded in One Florida and indicate that voters would like to see an even more aggressive effort to repeal set-asides. But Bush, who doesn't face the voters again until 2002, has indicated he's not too worried about the political implications of what he's doing. "The emotions will overwhelm the reality of whatever the plan is, but that's temporary," he said a few months ago. "In the long run, I think people will reward me for sticking with my guns." ♦

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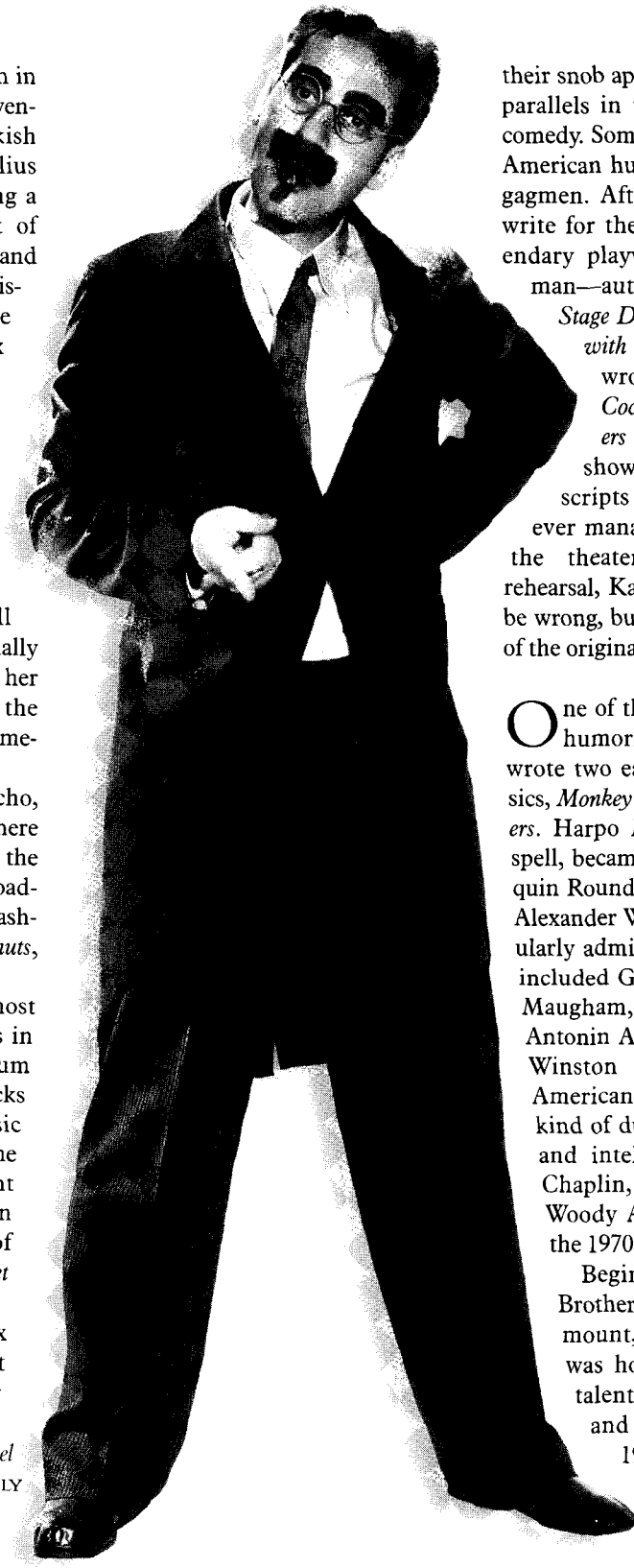
Groucho Marx

The Hard Work of Making It Look Easy

By Daniel Wattenberg



Growing up in Manhattan in the early years of the twentieth century, the bookish and introverted Julius Henry Marx dreamed of becoming a doctor. Instead, he dropped out of school just before his bar mitzvah and went into show business, at the insistence of his mother. Yes, to please his Jewish mother, Groucho Marx did not become a doctor. Is it necessary to inquire any further into how he developed a sense of humor?

Minnie Marx drove all five of her boys—Leonard, Adolph, Julius, Herbert, and Milton—into show business. The spur was her husband, Simon, whose small tailoring business teetered perpetually on the edge of failure. The lure was her brother, Al Shean, half of one of the most popular vaudeville musical comedy acts, Gallagher and Shean.

As the Marx Brothers, Groucho, Harpo, and Chico (with a Zeppo here and a Gummo there) would rise to the top in vaudeville and conquer Broadway with three musical comedy smashes in a row, *I'll Say She Is!*, *Cocoanuts*, and *Animal Crackers*.

Then they became the most acclaimed and popular comedians in the new talking pictures, a medium made for their warp-speed wisecracks and wordplay seasoned with music and old-school slapstick. In time, the act got old and the brothers went cold, and only Groucho rose again to star in television, as the host of the long-running quiz show, *You Bet Your Life*.

Whatever the medium, the Marx Brothers were big box office. But their mob appeal was matched by their snob appeal in a way that has few parallels in the history of American comedy. Some of the greatest names in American humor were Marx Brothers gagmen. After declaring, "I'd rather write for the Barbary apes," the legendary playwright George S. Kaufman—author of *Dinner at Eight*, *Stage Door*, and *You Can't Take It with You*—conceived and co-wrote the stage plays for *Cocoanuts* and *Animal Crackers* (though apes might have shown greater respect for his scripts than the Marx Brothers ever managed: Pacing the back of the theater during a *Cocoanuts* rehearsal, Kaufman remarked, "I may be wrong, but I think I just heard one of the original lines").

One of the century's great literary humorists, S.J. Perelman, co-wrote two early Marx Brothers classics, *Monkey Business* and *Horse Feathers*. Harpo Marx, who could barely spell, became a regular at the Algonquin Round Table, under the aegis of Alexander Woolcott. T.S. Eliot particularly admired Groucho. Other fans included Graham Greene, Somerset Maugham, George Bernard Shaw, Antonin Artaud, Salvador Dali, and Winston Churchill. What other American comedians enjoyed this kind of dual appeal to mass public and intelligentsia alike? Charlie Chaplin, certainly. And maybe Woody Allen for a short time in the 1970s.

Beginning in 1929, the Marx Brothers made five films for Paramount, the relaxed studio that was home to the best comedy talent, including W.C. Fields and Mae West. Starting in 1929 with the first feature-length musical shot in America (with songs

A writer in Washington, D.C., Daniel Wattenberg last wrote for The Weekly Standard *on the films of Billy Wilder.*

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by Irving Berlin), the Marxes made four hits in a row: *Cocoanuts* (1929), *Animal Crackers* (1930), *Monkey Business* (1931), and *Horse Feathers* (1932). So successful were their first two features that after *Animal Crackers* (adapted from their stage show), they negotiated the first "participation" contract in Hollywood history.

Under its terms, the brothers (Zeppo was still part of the act) received $200,000 per picture plus 50 percent of the profits—and this in the teeth of the Depression. "Everything's coming up grosses," Groucho cracked. With the opening of *Horse Feathers* in the summer of 1932, they landed on the cover of *Time* magazine.

Duck Soup, released in 1933, was directed by the gifted comedy director Leo McCarey, a pioneer of silent comedy and later of the screwball genre. Now widely regarded as one of their best movies, the political farce (in which Groucho is installed by perennial foil Margaret Dumont as the president of mythical Freedonia) flopped badly on release. Exhibitors and trade papers began pronouncing the Marx Brothers "washed up."

An incongruous white knight arrived in the person of Irving Thalberg, MGM's whiz-kid producer, famed for such prestige dramas and literary adaptations as *Ben-Hur*, *Anna Christie*, *The Good Earth*, and *The Barretts of Wimpole Street*. After being approached by his bridge partner Chico Marx (an inveterate gambler and one of the best bridge players in the country), Thalberg told the brothers he wanted to make movies with them—his way. Their previous films, he explained, "weren't movies, they weren't about anything." Harpo protested that *Duck Soup* was as funny as any comedy ever filmed. "That's true . . . but you don't need that many laughs in a movie," Thalberg replied. "I'll make a picture with you fellows with half as many laughs—but I'll put a legitimate story in it, and I'll bet it will gross twice as much as *Duck Soup*."

Part of the reason for the Marx Brothers' box-office success was repeat

Groucho
The Life and Times of Julius Henry Marx
by Stefan Kanfer
Knopf, 465 pp., $30

business. Because their jokes came so fast (more than a hundred in *Monkey Business*), many were drowned in the spillover laughter from preceding jokes and moviegoers would see each movie several times, to catch what they had previously missed. But when the repeat business tailed off with *Duck Soup*, a big weakness in their appeal was exposed: Women found them "grotesque" and "unsympathetic."

In an attempt to restore their box-office appeal, Thalberg slowed them down and sweetened them up in *A Night at the Opera*, their first MGM comedy. Here, the jokes are given breathing room, lavish musical production numbers are added, and the brothers are enlisted as romantic enablers who try to bring together thwarted lovers played by Allan Jones and a young Kitty Carlisle in a romantic subplot to which much screen time is devoted.

Grossing $5 million, *A Night at the Opera* vindicated Thalberg's commercial bet. His comedic instincts were less sure. While Groucho's novelty numbers and Chico's playful "shooting" of the piano keys had long been important ingredients in the brothers' act, straight-faced sentimental songs were inevitably overwhelmed by the surrounding mayhem. Irving Berlin learned this on *Cocoanuts* and declined to participate in further Marx Brothers' comedies, despite his admiration for them.

The spacing out of jokes and elaboration of the romantic story line only throttled the breakneck pacing central to the Marx Brothers' comic style. One of the funniest things about them in their early comedies is that they seem unable to stop being funny even for a moment. And who watches a Marx Brothers movie for a love story? For all its high-kicking chorus lines and lustrous MGM production values, the movie's best moments are provided by the famous crowded-stateroom scene.

In F. Scott Fitzgerald's *The Last Tycoon*, the protagonist Monroe Stahr, modeled on Thalberg, is asked by a visitor how artistic unity is achieved in

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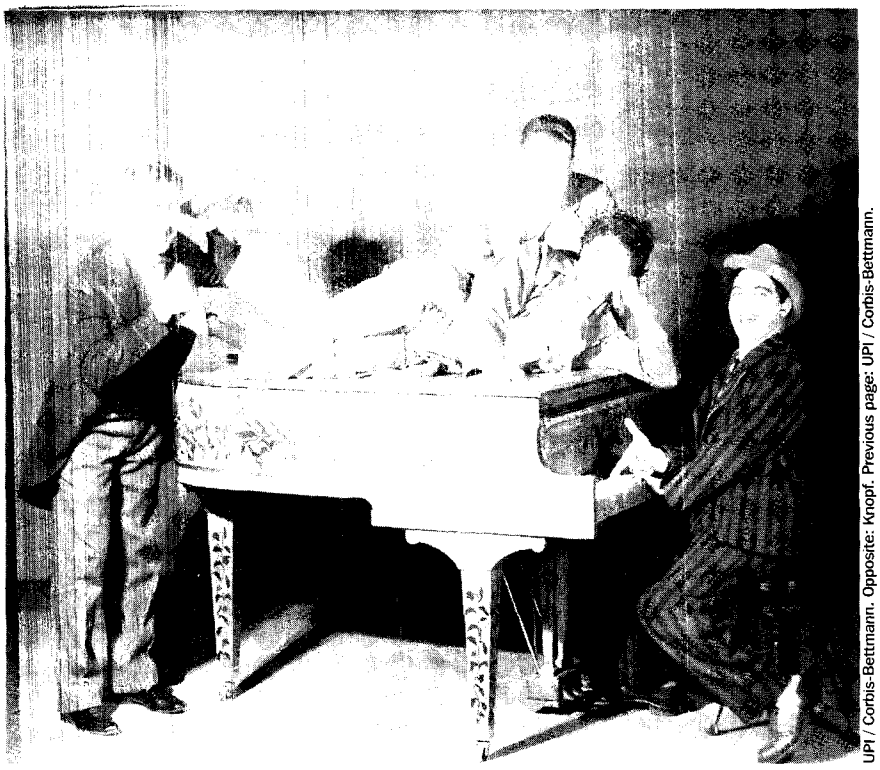
a system where relays of writers work on scripts and directors are excluded from dailies. "I am the unity," he answers. *A Day at the Races*, the brothers' next MGM film, was an attempt to duplicate Thalberg's formula without Thalberg, who died before shooting began (he caught a cold after draping his jacket over the shoulders of Chico's wife Betty one cool evening and the cold turned into pneumonia). Without his hand on the tiller, many of the faults previewed in the still stylish and witty *A Night at the Opera* were exacerbated. *A Day at the Races* was another big profit-maker, making $5 million back on a $1 million investment (W.C. Fields comedies of the time typically made $1.5 million on the same $1 million cost). But it represented a further decline from its predecessor.

After this, the Brothers went on loan to RKO for *Room Service*, which lost the studio a bundle, and then returned to an indifferent MGM to make a series of turkeys—*At the Circus*, *Go West*, *The Big Store*. Finally, in 1941, the Marx Brothers called it a day in the motion picture business.



UPI / Corbis-Bettmann. Opposite: Knopf. Previous page: UPI / Corbis-Bettmann.

At [illegible] comedy: Harpo, Chico, and Zeppo in Cocoanuts.
Opposite: The brothers in 1909 and again in 1931.

Bumping through the dying years of vaudeville, taking flight on Broadway in its heyday, and reaching their zenith in Hollywood during the infancy of the talkies, Groucho and his brothers made a remarkable tour through American entertainment. And Stefan Kanfer's new *Groucho: The Life and Times of Julius Henry Marx* is a richly detailed and mostly balanced account—when it stays inside its story. Unfortunately, Kanfer seems to lack conviction in mere narrative and tries to reach beyond it for embarrassingly clumsy historicist interpretations of the Marx Brothers' fortunes.

Kanfer explains their early movie successes, for example, in terms of a national mood swing from the complacency of the 1920s to the pessimism of the 1930s. Arguing that "the Depression would be the making of [Groucho] . . . because it changed his audience," Kanfer explains, "Despite the customary jeering of the avant-garde and the expatriate Lost Generation, the mass of Americans still respected their national institutions [in the 1920s]. . . . The government, the military, the university, society, commerce—all the national bulwarks commanded respect, however grudging, until late in the decade."

But then came the crash—and "The Establishment on Pennsylvania Avenue, Wall Street, and Main Street was no longer to be trusted. Such sweet, soft-edged comedians as Harold Lloyd and Buster Keaton would have a harder time in this era; aggressive, impertinent personalities like W.C. Fields, Mae West and the Marx Brothers—Groucho in particular—would flourish by assaulting the powerful, anytime, anywhere."

Even in trained hands, social determinist criticism of this kind obscures more than it reveals, and Kanfer's hands are not skilled. For starters, Harold Lloyd and Buster Keaton disappeared from the screen in the 1930s mainly because they were physical comedians quite unprepared for the sudden rise of the talkies. Depression audiences hadn't outgrown "sweet, soft-edged" performers—the era's most popular screen attraction was Shirley Temple.

Moreover, if the Marx Brothers' aggression and impertinence appealed to disillusioned 1930s audiences, it had also appealed to naively optimistic 1920s audiences. As Kanfer's own narrative makes clear, the Marx Brothers were big stars before they ever appeared on screen. They so convulsed vaudeville audiences, according to Kanfer, that the biggest names in the business dreaded following them. "Never saw so much nepotism or such hilarious laughter in one act in my life," W.C. Fields wrote in his memoirs. "The only act I could never follow." The brothers' first Broadway musical, *I'll Say She Is!*, ran for 304 performances after its 1923 opening and made a 1,000 percent profit. And it wasn't just Gotham sophisticates who liked the act: The touring show was very profitable, too.

The inexactness of Kanfer's historical determinism is further exposed when one tries to explain the failure of *Duck Soup*. At least as aggressive and impertinent as its predecessors, it bombed in 1933. According to Kanfer, the movie industry decided that the film had failed because the brothers' irreverent comic anarchy was out of step with the time's grim collective stand against economic catastrophe. Kanfer can't quite explain how the Marx Brothers' impertinence could be both uniquely concordant and uniquely discordant with the national temper in the Depression.

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Both photos: Knopf.

Groucho in the 1950s TV program You Bet Your Life, *and in* Monkey Business *(1932).*

There is something else left unexplained by the Depression argument: Why do the early Marx Brothers' comedies remain so funny today, a lifetime removed from the Great Depression? In the 1970s the Marx Brothers, especially Groucho, were dusted off and celebrated as the favorite comic anti-heroes of a new generation of anti-authoritarian young fans and socially conscious comics like Woody Allen, Dick Cavett, David Steinberg, and Robert Klein.

Young viewers of *You Bet Your Life* in syndication liked to think of Groucho "as the Don Quixote of comedians, a battered, honorable figure in perpetual opposition to the Establishment," writes Kanfer.

Kanfer strains at times to justify the Marx Brothers' comedy in terms of his own, much later time. "Alone among their peers, they had achieved their star status without compromise," he writes. "From the palmy days of *I'll Say She Is!* to . . . *Monkey Business*, their object was to scrawl graffiti on the walls of national institutions."

Though this form of recognition may be well intentioned, it hardly adds to our sense of Groucho's achievement to say, for example, that without Groucho, there would have been no Richard Belzer. While pious historians of pop culture hold that unbending iconoclasts of the type best exemplified by Lenny Bruce refused compromise with censors and commercial sponsors, the truth is that they refused compromise with their audiences. Bruce would batter audiences with unhinged and infrequently funny monologues about his legal troubles. Audiences, in a sense, auditioned. Comics sat in judgment.

That the Marx Brothers weren't this type of comedians is shown by Kanfer's own account of their long and grueling apprenticeship. For many years they performed thirty shows a week (four shows a day five days a week, five shows the other two days), testing their jokes, their comic personae, and their stage business against the standard of audience reaction and ceaselessly refining their act accordingly. From their earliest days as a team, the brothers proceeded by trial and error, keeping successful experiments and discarding unsuccessful ones.

As Kanfer records, the most characteristic features of the act often developed gradually. Like Groucho's famous lope: "I was just kidding around one day and started to walk funny," Groucho recalled. "The audience liked it, so I kept it in. I would try a line and leave it in too if it got a laugh. If it didn't, I'd take it out and put in another. Pretty soon I had a character."

Harpo's speaking lines in the act had been reduced to three in a revamping of the act by their famous uncle, Al Shean. After a critic in the Champagne-Urbana paper complained that the effect of his pantomime "is spoiled when he speaks," he dropped his remaining lines and never spoke again on stage.

Sometimes they compromised to a fault, as when they anglicized jokes for British audiences in London during an early 1920s tour. In its original version one joke went: "The garbageman's outside." "Tell him we don't want any—who needs garbage?" In its unfortunate anglicized form it went: "The dustman's outside." "Tell him we don't want any—who needs dust?"

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They would go right on market-testing their material during their movie careers. Thalberg had them try out scenes from *A Night at the Opera* in front of live audiences, a practice they would continue off and on through later pictures. They would even have their parts performed by other actors, to make sure that it was the material getting the laughs.

Sometimes their obsessive attention to the fine details of what made audiences laugh was itself funny. A Marx Brothers publicist, Teet Carle, remembered the live tryouts of scenes from *A Day at the Races*. In the Tootsie-Frootsie ice cream sketch, Chico tries to sell Groucho a discounted book. "One dollar and you remember me all your life," says Chico. "That's the most nauseating proposition I ever had," answers Groucho. "Among other words tried out were obnoxious, revolting, disgusting, offensive, repulsive, disagreeable, and distasteful," according to Carle. "The last two of these words never got more than titters. The others elicited various degrees of ha-has. But nauseating drew roars."

The Marx Brothers belonged to a time before comedy was good for you. They were blessed with talent, a driven mother, and an experienced mentor in the family. They worked hard, and they trusted their audiences. Although they had in Harpo one of America's great comic mimes, they specialized in verbal comedy. In the silent era of cream pies and pratfalls, many of their more acrobatic peers from vaudeville made it in Hollywood, while the Marxes stayed in the theater. But when sound arrived, so did they.

The complicated causes for the rise of a successful popular entertainer are a tangle best apprehended by the microsurgical tools of biography. That's why Stefan Kanfer's biography of Groucho is a good one, and why it would have been better if it had avoided the superimposition of unconvincing reductionist drivel on its marvelous backstage saga. Social forces don't kill audiences. Good comedians do. ♦

Can the GOP Win?

Robert Novak's strategy for Republican victory in the 2000 election. **BY RALPH REED**

Robert Novak is a Washington institution: a fixture on television talk shows and a columnist with the longest-running byline in journalism. He is also the author of *Completing the Revolution*, a recent book that offers a strategy for 2000. The GOP is not normally in the business of taking advice from journalists who are, as Novak happens to be, registered Democrats. But it ought to do so now, for Novak argues that Republicans should stop apologizing for being Republicans. They should run instead on a bold conservative philosophy that stresses compassion and the inclusion of all Americans.

Completing the Revolution
A Vision for Victory
by Robert Novak
Free Press, 256 pp., $24

Since World War II, Republicans have tended to form the presidential party, while Democrats belonged to the congressional party. All that changed in 1992. Bill Clinton posed as a different kind of Democrat, favoring some free trade, supporting the death penalty, calling for a middle-class tax cut, and promising to "end welfare as we know it." In doing so, Clinton made his party viable again in presidential politics. Scandals and all, Clinton became the first Democrat since Franklin Roosevelt to serve two complete terms. Republicans, meanwhile, became the congressional party, gaining control of Congress in 1994 and then holding it for their longest tenure since 1926.

Novak claims, however, that the Republican Congress has been badly outmaneuvered by Clinton. During the government shutdown of 1995 and 1996, Republicans came under withering criticism for everything from shuttered national parks to delayed Social Security checks. The GOP, Novak sadly recounts, has been tame ever since.

This is true in a sense, but Republicans have often triumphed in policy. Clinton, after all, signed much of the Contract With America's tax cut and sweeping changes in welfare. And who can forget that it was Clinton who announced in 1996, however disingenuously, "The era of big government is over"?

What is undeniable is that Republicans have been unable to govern the country from Capitol Hill. The result is a stalemate leading to the 2000 election, an election in which the party winning the White House will appoint three Supreme Court justices and hundreds of federal judges. Not since 1980 has an election had such far-reaching consequences. So, what should Republicans do to win in 2000?

Novak argues that they should stick to their philosophical guns. On taxes, Republicans should call for across-the-board reductions and a complete overhaul of the IRS. On trade, they should call for open markets while defending U.S. sovereignty. There is more than a political rationale for lower taxes and open markets.

During periods of personal income tax reduction (as stock-market guru Charles Kadlec recently observed), economic growth has averaged 3.7 percent. And during periods of free trade and open markets, economic growth has soared to 4.2 percent, while stock market returns have reached almost 15 percent. The current strong economy

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is simply an extension of the economic boom unleashed in the 1980s by President Reagan's policy of cutting taxes and opening markets.

If the GOP is to win, it must remain true not only to its economic philosophy but to its values as well. Novak correctly observes that pro-family positions have helped create a majority party, particularly in the South and the Midwest.

In 1978, Georgia had one Republican congressman. Today it has eight out of eleven. As recently as 1990, Republicans held only two statewide offices in Texas. Today they hold all twenty-nine. This transformation has been made possible, at least in part, by the movement of people of faith into the Republican party.

Republicans, however, must put forward their message of values and tax reductions in a way that is not exclusionary. The GOP should make clear what it is for, not just what it is against. In this sense, the party's support for stronger families ought not to be conveyed as a condemnation of others.

While calling for tax cuts and economic growth, the party must not neglect those that have been left behind during the current prosperity: the students in failing schools, the families in decaying inner cities, and the people who cannot read or find a quality job.

An important issue for Republicans that receives only glancing notice in Novak's book is education. Here is an area Republicans have too long conceded to Democrats, with disastrous consequences. Fortunately, GOP governors such as George W. Bush, Jeb Bush, John Engler, Frank Keating, and Tom Ridge have fought for and passed reforms that stress higher standards, basic skills, greater accountability, and school choice.

Robert Novak has done Republicans a service. He has reminded them who they are and why they believe what they do. If they manage to remember that—running on a bold and positive agenda—they can win in 2000. ♦

Babes in Arms

Stephanie Gutmann exposes gender correctness in the new American army. **BY KATE O'BEIRNE**

"This is not your father's army anymore!" Lieutenant General Claudia Kennedy triumphantly declares in her frequent speeches as the Army's top-ranking female officer. General Kennedy welcomes the military's female-friendly transformation—as long as it doesn't get too friendly. She made headlines recently when she chalked up a first for the U.S. Army by accusing a male general of groping her in her Pentagon office.

The Kinder, Gentler Military
Can America's Gender-Neutral Fighting Force Still Win Wars?
by Stephanie Gutmann
Scribner, 300 pp., $25

Scenes from our sexually integrated armed forces would make a sobering trailer to Steven Spielberg's graphic depiction of the horrors of combat in *Saving Private Ryan*. Yesterday's soldiers worried about winning wars, while today's recruits spend much of their time battling human nature. But, with Hollywood promoting the idiotic fiction of "G.I. Jane," a complacent public hasn't confronted the vivid prospect of their sisters and daughters joining some future bloody assault.

Indeed, in *The Kinder, Gentler Military: Can America's Gender-Neutral Fighting Force Still Win Wars?*, Stephanie Gutmann argues that the public has been little concerned with the military's "huge social experiment" in sexual integration because the uncivilized realities of combat have become too remote. As long as it appears that wars are won in either a hundred hours or from ten thousand feet in the air, today's coed military looks combat ready.

Kate O'Beirne is Washington editor of National Review.

But, as Gutmann takes a closer look at the Army and Navy by traveling to bases and ships for a recruit's view of training and deployment, she determines that the military is in a state of crisis, with esprit de corps at rock bottom and a lack of recruits leaving the services seriously undermanned (so to speak). Gutmann's reporting leads her to conclude that sexual integration has taken a ruinous toll on morale and readiness, which the Pentagon refuses to acknowledge.

More, military leaders work overtime to make sure no subordinates acknowledge the problems with integration. Gutmann learned the one iron rule of current military reporting: "People on active duty do not tell reporters the truth if the truth is something they know their commanding officers will not want them to say." To learn the truth, she has furtive meetings in ladies' rooms away from the watchful eye of her public affairs minder, signals her sympathy to frustrated corporals and sergeants in the hope of eliciting candor, and takes advantage of the online bulletin boards where angry servicemen exchange notes.

At Fort Jackson in South Carolina, where 70 percent of the Army's female recruits are processed, Gutmann observes coed basic training. In the absence of the kind of physical challenge that might hurt the self-esteem of slower, weaker women, training is now designed to "build confidence." The recruits are the same age, and dress identically, so the only obvious difference is sex, and the exercises reinforce this difference. In a rappelling exercise, the boys are cocky to the point of bore-

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dom during instructions, while the girls seek constant reassurance. Some of them wind up in tears, even when only on the top of a preliminary fifteen-foot high wall, while nurturing drill instructors cajole and encourage them. A drill instructor observing the training tells Gutmann, "This is too easy. I'm leaving. . . . I want my kids to train as they fight." Another sergeant grouses, "We're making peacekeepers here."

The Army trainers seem to recognize that basic training should be more rigorous, because it fails to challenge the men. But they dare not increase the already unacceptably high rate of injuries to women. Recruits now run in platoons formed as "ability groups" so no one is made to feel that she can't keep up. At the Great Lakes Naval Training Base, the obstacle course has been renamed the "confidence course" to put the recruits in a more positive frame of mind. Competition is *verboten*. The recruits are told that the aim is teamwork, and exercise should be viewed as a "stress reliever." What the trainer has referred to as a "playground" resembles a modern dance performance to Gutmann, as the male recruits help the females by supporting them on pull-up bars and pushing them up the climbing pole.

UPI / Corbis-Bettmann

The effects of coed training are not confined to the physical differences evident on the training fields. At Great Lakes, the Navy insists that training hasn't been modified to accommodate women, but as a result of the fragile psychological state of all current recruits. Visitors are provided with studies supposedly documenting that recruits must be gently handled because they are likely to be the victims of broken homes and domestic violence. In the classroom, during lectures on Army values, Gutmann observes the atmosphere of any progressive high school, with the recruits fooling around, whispering, and interrupting the drill sergeant. As she watches one pretty, flirtatious young woman talk with her charmed drill instructor, she wonders whether he would be capable of sending her into harm's way. Gutmann makes sharp observations about the stark and subtle troubling modifications the Army and Navy have adopted as a consequence of integration. She makes her most powerful observation when she points out that honorable men don't let women get hurt while they sit in safety.

To become sexually integrated, the military has become inhospitable to such honorable men. When former Air Force chief of staff, General Merrill McPeak, said that he opposed lifting the combat exemption because he didn't think "old men should order young women into combat," his declaration was accompanied by an apology for his old-fashioned views. This decent man retired just as women were being integrated into combat positions, and ambitious officers know that sharing his views jeopardizes their careers. Men have always been willing to fight to win the approval of other men and the admiration of women. But the new military demands that men be willing to send women to their violent deaths.

The graduates of the Army's basic training haven't just been ill served by being less physically challenged and less firmly disciplined than recruits in the past. On behalf of millions of young

UPI / Corbis-Bettmann

men, Gutmann mourns the loss of a crucial rite of passage which she regards as a welcome, secondary benefit of sustaining armies and promoting national security.

The exhilarating appeal of military challenges for young men is still evident where all-male training still takes place. At Georgia's Fort Benning, Gutmann sees that a young man's lust for adventure trumps the inner voice screaming that he shouldn't jump out of that plane. The opportunity to succeed at something physically daunting provides a chance to rise above one's peers. Sergeants explain that young men are looking for discipline and for positive, tough role models. When the physical demands are reduced to accommodate women, young men are denied the competitive challenge they crave. How hard can their ordeal be if girls achieve the same status?

At sea, aboard the USS *John C. Stennis*, Gutmann observes the new Navy in operation. Here, the crew surreptitiously complains about the wholesome dullness that has accompanied women onboard. The challenge of keeping an integrated crew chaste for months on end has young men fearful

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of saying or doing something to a female crew member that could be misunderstood. The officers spend lots of time nurturing the crew. A female commander is onboard to offer a massage-like therapy called the "healing touch." Pregnant sailors must serve on their ship until their fifth month, so the Navy has started designing its ships with the needs of pregnant crew in mind. New mothers work out the logistics of pumping breast milk to send home to newborns.

Despite the Navy's strenuous efforts to create a floating coed monastery, women get pregnant during deployments at sea, just as they did when last deployed to a theater of war. An Army lieutenant reports that twenty-five of the women soldiers in his small combat support unit were shipped home mid-tour from the Gulf because they had become pregnant.

It is impossible to impose equal demands on men and women in uniform as long as a woman can become pregnant and therefore non-deployable when her unit is called up. Being a single parent is a bar to initial enlistment, but once on active duty, the military's subsidies and policies have made the services a mecca for disproportionately female, single parents.

When the military chiefs are called upon to explain their recruitment and retention problems, they invariably cite factors outside their control, like the "booming civilian economy." But the *Navy Times* recently surveyed sailors who were planning to leave the service about their reasons. Offered such categories as "better opportunities as a civilian," "too much time away from home," "lack of a clear mission," and even "lack of confidence in the leadership," 50 percent of the enlisted respondents and 54 percent of the officers chose "other"—and, in written comments, many cited the "change in the culture." Only 25 percent of the officers cited civilian opportunities. It seems that warriors don't fight for bread alone.

The American military has surrendered to the inevitable consequence of its policy: To achieve combat integration, it must dismantle the warrior culture. Gutmann concludes that the Army brass has been unwilling or unable to make women in uniform behave more like men, so instead it has insisted that kinder, gentler men are needed to meet the military's new peacekeeping responsibilities. Our fathers' army stormed Omaha Beach. The next real war will test whether our new mothers' army is capable of the same reckless bravery. ♦

The Sterling Era

The end of pounds, shillings, and pence.

By David Frum

The British pound survived the Wars of the Roses, the beheading of a king, two world wars, and the loss of an empire, but nothing short of a miracle will save it from Tony Blair after the next British election. The German deutsche mark is already on its way to join the florin and the obol in oblivion. So are the French franc, the Spanish peseta, and the Italian lira. In their place will stand the European Union's financial creation, the euro.

Sterling
The History of a Currency
by Nicholas Mayhew
John Wiley & Sons, 320 pp., $27.95

During the 1997 election, Blair pledged to hold a referendum before he made Britons shed their pounds, and he is hesitant to schedule that referendum before he's reelected to a second term in office. But the referendum is coming, and with the leaders of British business and almost all the British media solidly lined up in favor of the euro, it seems probable the new money will prevail.

From an American point of view, this is not an unmitigated disaster. The euro is plummeting against the dollar—it's now worth less than 90 cents, down nearly 25 percent from its original level. If this decline continues, the day may soon return when American tourists will be able to enjoy a beer and a sandwich on the Champs Élysées for less than twenty dollars. From a European point of view, it may not be a disaster either: A depreciating currency is lowering European industry's inflated wages without upsetting its stubborn labor unions.

But for Britain, the merits of the euro are more ambiguous. It will certainly make accounting easier for importers and exporters. It will soothe the sensibilities of the French by banishing from British currency the portrait of the Duke of Wellington, who beat them at Waterloo.

But will it really enhance the prosperity of an island nation that has always lived by trading as much with the English-speaking world across the ocean as with the continent across the channel? And what will the disappearance of a thousand-year-old money do for the cohesion of a United Kingdom whose unity is steadily being unstitched by Irish, Scottish, and Welsh nationalism?

Nicholas Mayhew, a curator of the antique coin collection at Oxford University, takes a cheerful view of the demise of the pound. "It may be that it is time to trade in our old currency," he writes in *Sterling: The History of a Currency*, "rather as one might reluctantly say farewell to a pair of much loved, but increasingly ill-fitting, old slippers." Some might wish to reply that it would

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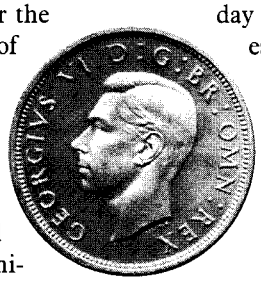
be wise to check that the new slippers fit at all before throwing the old ones away, but even those who reject Mayhew's conclusions will benefit from his clear, short, and entertaining book. Monetary history is not usually a subject for the easily intimidated. (The daunting history of the dollar by Milton Friedman and Anna Schwartz probably helped convince thousands of graduate students to write their theses on the hermeneutics of the *Brady Bunch* instead.) But *Sterling* is a book accessible to all—a fascinating study of the thousand-year-old institution that Tony Blair is determined to abolish.

Sometime soon after the Norman Conquest of England, the new monarchy began coining a silver coin. The literate classes called the coin by the French word "denier" (derived from the lowest denomination Roman coin, the denarius). The peasants called it pence. Because the new coin had more silver in it than the money of the Anglo-Saxon kings, it also came to be called "sterling," after the Middle English word for strength.



If you had twelve of these coins, you were said to have a "shilling"; and if you had twenty shillings that hadn't been clipped or debased, their weight would total one Roman pound (or "libra") of silver. Thus the origin of the symbols £, *s*, *d*, and the 240-penny pound that baffled foreign visitors until 1971.

For more than two hundred years, these pennies were the only tangible English money: Shillings and pounds existed only in people's minds. The first gold coin was introduced into England in 1344. Given the medieval delight in confusion, it of course was equivalent to neither a shilling nor a pound but to a Florentine coin worth approximately 72 pence.

Simultaneously issuing gold and silver coins creates some extremely tricky problems, because the values of gold and silver bounce around quite independently. Over the centuries an ounce of gold has been worth as little as fifteen times and as much as eighteen times an ounce of silver. There used to be a whole branch of economics devoted to the problem of harmonizing this unstable relationship. The English settled the issue for themselves very largely by accident at the end of the seventeenth century: In an effort to stabilize a money that had been badly inflated after half a century of civil war and revolution, Isaac Newton, whose day job was Warden of the Mint, established a value for silver that was so low that silver money disappeared from English markets. From 1696, England was on the gold standard alone, with new copper pennies replacing silver as small change.

But as silver was flowing out of England, gold was flowing in. For the next 220 years, England and then Britain would have the hardest money on earth, contributing to London's rise as the planet's banking capital—and that unassailable financial position permitted Britain, from the reign of Louis XIV to that of Kaiser Wilhelm, to wage war more effectively than any other state.

This financial hegemony won its last and greatest victory in 1918, but, as Mayhew poignantly explains, the hegemony had to be sacrificed to win the victory. All the world's currencies were inflated to finance the twentieth century's wars, and compared with Germany, France, or Italy, the British did not suffer too badly. Against the dollar, however, the pound has eroded sadly: A pound bought $4.86 in 1914; it buys only about $1.55 today. And while an American dollar will be happily accepted anywhere from Madagascar to Moscow, the pound is barely recognized beyond the British Isles.

Mayhew cites the decline of the pound as the best justification for its abolition. But there's more to it than that. On Mayhew's own telling, money serves political as well as economic ends. The success of their post-Conquest coinage secured the position of the Norman kings. Parliament's control of the London Mint lost Charles I the English Civil War. Isaac Newton's miscalculation was as responsible as anything else for the growth of the British Empire.

Nor has money lost its political significance. The pound is one of the few remaining connectors linking an increasingly separation-minded Scotland to England. Scotland now has its own legislature as well as a distinctive legal system. Sever the financial connection and what remains? The monarchy? But that's Tony Blair's next bulldozing project. And even if the Scottish-English-Northern Irish union were to survive the disappearance of the pound, what kind of union would it have become? The use by the British of a currency that eases transactions with France and Germany but that has a jumpy and unpredictable value in relation to the U.S. dollar will only intensify the gravitational pull now drawing Britain away from the dynamic economies across the Atlantic and Pacific and toward the stagnant, bureaucratic, unionized, risk-averse, innovation-skeptical economy of a graying continent.

It is, of course, Britain's decision to make. But we on this side of the Atlantic inherited our political institutions, our laws, our literature, and our language from the British. Our concerns are linked to theirs. If Britain shrivels into insignificance, we who live in what is really the British Diaspora are bound to shrivel a little too. ♦

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After traveling with John McCain in Vietnam, WEEKLY STANDARD staff writer and CNN contributor Tucker Carlson is detained for a day as a result of a passport snafu.

—News item

Faith of My Producers: A Prisoner's Memoir / 3

Chapter 1

The door to the jetway clicked shut. Through the little window I could just see John McCain's head bobbing down the tunnel as he made his way to the plane, with *Salon*'s Jake Tapper crawling along at his side. I was alone in a hostile land. Captive. Memories of home flooded my brain: the red of the TV light when you're on-air, the blue of Larry King's veins, the white skin of the hosts on *Crossfire*. I didn't realize how much I loved America's News Leader until I was deprived of her.

They took me to the Hanoi Hilton. There had been a few changes since McCain had spent time here, the most important being that now it really was a Hilton. They shoved me in a room with a wiry, fierce-eyed Vietnamese man, whom I came to call The Jackal while I was his prisoner; his official rank was Concierge.

"Why you pour drink on Grover Norquist head?!" he screamed at me. The Jackal was a member of Vietnamese for Tax Reform.

The room was hot and stifling. It'd been hours since pancake make-up had been applied to my face, and I began to feel the first withdrawal tremors. A tiny TV blared in the corner with some gook in a bow tie squawking about something. Tina Brown called on the cell phone, giddy with the news that Skip Gates had signed on to cover my execution.

At times like this, it's faith, friendship, and the thought of getting a Howie Kurtz piece out of it that pull you through. At first, McCain had insisted he would get me out. "I will not leave this boy behind," he'd thundered, before recalling that hanging around would mean missing the White House Correspondents dinner. *Time*'s Jay Carney promised to look after my seat on *Late Edition*, no matter how long it took.

The Jackal leaned closer, and I could smell fish odor on his breath. "You work *Weekly Standard*," he said. "You free to go."

I refused. Others had been held longer than I. I would not accept early release. It wasn't that I was a hero, although many would call me that. It was just that I needed to get three news cycles out of this.

But the next thing I knew, I was waking up in a first class seat on Singapore Airlines, with a bump on my head, wondering: Would I make it in time for *Good Morning America*?

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Let the Postal Service Compete

Rick Geddes is the Edward Teller National Fellow at the Hoover Institution and an associate professor of economics at Fordham University.

The U.S. Postal Service's request for a one-cent increase in postage, on top of an increase in 1999, would bring the cost of mailing a letter to thirty-four cents. The price of communicating in other ways, such as phone, fax, and electronic mail, is falling rapidly. The Postal Service claims it needs a rate increase to cover costs, but why are its costs rising while the price of communicating by other means is falling?

The answer is legally enforced monopoly. The Postal Service's legislated monopoly over anything considered a "letter" was enacted in 1845, before the Industrial Revolution, in the age of the horse and buggy. **The Postal Service still defends its monopoly by asserting that rural customers would not receive mail without it.** This flies in the face of elementary economics, experience in similar industries, and common sense. Numerous firms delivering things besides mail already serve these same routes, and they are ready to jump into letter delivery if the monopoly were repealed.

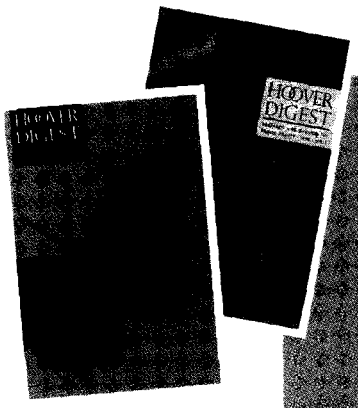
The deregulation of industries structurally similar to postal services indicates that rural customers would continue to get service under competition and would enjoy lower prices to boot. The "rural service" argument was used to obstruct airline deregulation, yet airline prices fell an average of 29 percent after reform, and airlines now serve more locations than ever. Similarly, after demonopolization in the late 1970s the price of natural gas fell between 27 and 57 percent, long-distance telephone calls fell anywhere from 40 to 47 percent, trucking prices, between 28 and 58 percent, railroads, 44 percent, and so on. Even if rural customers did end up paying more if the monopoly were repealed, this seems the height of fairness. Why should a poor family in the South Bronx subsidize mail delivery to one of Ted Turner's ranches?

Monopolized mail delivery in reality does not benefit rural customers at all but rather the far more politically important Postal Workers Union. The Postal Service employs over 900,000 people, and labor costs account for about 80 percent of its total operating expenses. A battery of studies indicates that—accounting for a variety of factors, including age, gender, education, and job experience—postal wages are more than 20 percent above similar private sector wages. This contravenes the relevant section of the United States Code, which states that the Postal Service must "maintain compensation and benefits for all officers and employees on a standard of comparability to the compensation and benefits paid for comparable levels of work in the private sector of the economy." The postal monopoly is actually used to obtain higher wages for postal employees, in direct violation of the law.

Throughout history **monopoly has always been most damaging when established in collaboration with government.** It magnifies the concentration of power, eliminates any hope of new competition, and stifles innovation. There are no sound reasons why the government should continue to enforce a monopolized post. Let the Postal Service compete, and all consumers will reap the benefits.

— Rick Geddes

Paid for by the Hoover Institution, Stanford University.



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It's the face of Lois Gomes Clark — basketball fan, gym member, newlywed. Nine years ago she noticed she was so short of breath she could hardly climb the stairs. When heart disease was diagnosed, Lois was afraid. But, thanks to effective heart medicines, she's no longer living in fear. Today, Lois is living a healthy lifestyle and enjoying retirement with her new husband. Heart disease is the leading cause of death for women, but new medicines have helped reduce deaths from the disease by half. New medicines are also helping to keep more patients out of the hospital by controlling high-risk conditions that lead to heart disease, such as high blood pressure and high cholesterol. Pharmaceutical company researchers are working hard to discover breakthroughs that will help make many illnesses and diseases a thing of the past and bring more patients new hope for a better tomorrow. So Lois and millions of others can laugh, love and pursue life's wonderful adventures.

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